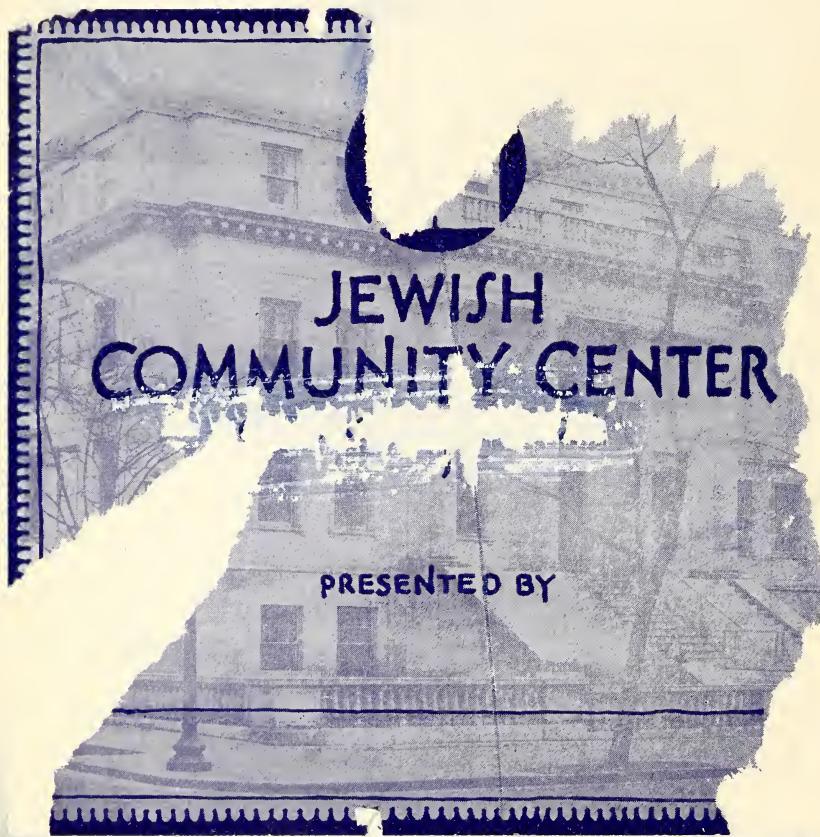


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PUBLICATIONS
OF THE
AMERICAN
JEWISH HISTORICAL SOCIETY
NUMBER 13



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1905



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AMERICAN JEWISH HISTORICAL SOCIETY.

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OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers, and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

THE THIRTEENTH ANNUAL MEETING.

The thirteenth annual meeting of the Society was held at Cincinnati, Ohio, on February 27 and 28, 1905, being the first meeting of the Society ever held west of the Atlantic Coast. The first session was called to order Monday evening, February 27, at the Cincinnati Club. President Dr. Cyrus Adler was in the chair and delivered the presidential address, after an address of welcome by Rev. Dr. David Philipson, Chairman of the Local Committee of Arrangements. Two sessions were held on Tuesday, the 28th, at the Phœnix Club, beginning at 10.30 a. m. and 2.30 p. m., respectively. At the close of the evening session of the 27th, a dinner in honor of the visiting members of the Society took place, being tendered to them by the Local Committee.

At the morning session on the 28th inst. the Treasurer, Hon. N. Taylor Phillips, presented the following report:

Hon. N. Taylor Phillips in account with the American Jewish Historical Society, October 1, 1904.

Dr.

Balance, Knickerbocker Trust Co., October 1, 1903.....	\$ 1126.50
Fire Insurance Co., for loss to stock.....	1500.00
Members' dues and back dues.....	910.00
Interest, current deposit, Broadway Trust Co., to July 1,	
1904.....	16.15
Interest, current deposit, Knickerbocker Trust Co.....	6.90

	\$3559.55

Cr.

Printing Publications, Vol. XI.....	\$ 578.34
Leon Hühner, Expenses Curator.....	196.06
Letter, Dutch States General to Council of Spain.....	80.00
Expenses Annual Meeting.....	45.40
Luckett & Worthington, Fire Insurance Premiums.....	40.28
Max J. Kohier, Expenses Secretary.....	39.16

C. S. Nathan, Cash Book and Stationery, etc.....	35.15
Richard Gottheil, Expenses Treasurer.....	30.00
Index to Vol. XI.....	25.00
J. H. Hollander, Expenses.....	25.00
Works of Medina on Inquisition in Mexico.....	14.40
J. Epstein, Copies Publications.....	13.50
The Friedenwald Co., Printing, etc.....	8.28
Contingencies, Postage, Stationery, etc.....	7.10
A. M. Friedenberg, Disbursements Indexing Periodicals...	3.95
Exchanges, Knickerbocker Trust Co.....	.40
Exchange, Broadway Trust Co.....	.10
Balance with Treasurer, October 1, 1904.....	2417.43

	\$2417.93
Balance	1141.62

Total	\$3559.55

STATEMENT OF THE ASSETS OF THE SOCIETY.

Balance, Broadway Trust Co. of New York.....	\$2417.43
Present Deposit in National Savings Bank of Albany....	2489.76
Capital, October 1, 1904.....	\$4907.19

On motion, the report was received and placed on file, and referred to an Auditing Committee of two appointed by the Chair, consisting of Benjamin Cardozo, Esq., and Jesse I. Straus, Esq.

The Corresponding Secretary, Mr. Max J. Kohler, reported that the Society has at present on its rolls 253 members, made up as follows: 6 honorary members, 26 corresponding members, 4 life members, and 217 regular members. It has lost by death during the year one honorary member, one corresponding member, and three regular members, including a member of the Executive Council, the late Hon. Myer S. Isaacs; we have also dropped for the non-payment of dues three, and three resigned, being a loss of 11 members during the year, as against 23 newly elected members. It was further reported that Volume XII of the "Publications" is now in press and will be distributed in a few weeks. Reference was

made to the fact that the suggestion is receiving consideration, that the Two Hundred and Fiftieth Anniversary be celebrated of the grant of the privilege of settlement made to Jews within the present limits of the United States, to wit, by the Dutch West India Company to the Jews of New Amsterdam, April 26, 1655.

On motion of Rev. Dr. David Philipson the following resolution was unanimously adopted:

Resolved, That the Council of the American Jewish Historical Society co-operate with other organizations in the proper commemoration of the two hundred and fiftieth anniversary of the first settlement of Jews in the United States, and that the Council be empowered to expend such sums as may be necessary for this purpose.

The report of the Curator, Leon Hühner, Esq., was next submitted, and it was resolved that so much of the Curator's report be printed as may be deemed proper, and that the report be referred to the Council for action.

Reports of Committees being next called for, the report of the Committee on Statistics was submitted, being report by Prof. J. H. Hollander, Chairman, adopting a memorandum, prepared by Dr. George E. Barnett, with a concurring report from Prof. Morris Loeb, together with a memorandum in criticism of the majority report, prepared by Mr. Joseph Jacobs.

On motion, it was ordered that the Committee on Statistics be continued but that its report be referred to the Council for consideration, the Council being authorized to co-operate with other societies or take such other action as may be deemed fitting.

The report of the Committee on Indexing Periodicals was next submitted, the same having been prepared by Mr. Joseph Jacobs, with an appendix prepared by Mr. Albert Friedenberg, Secretary of the Committee. It was resolved that the report of the Committee be printed and referred to the Council for further action.

The Chair appointed as a committee to nominate officers for the ensuing year, Rev. Dr. Joseph Stoltz, Max Senior, Esq., and Dr. Herbert Friedenwald. After hearing the report of the Committee on Nominations, the following officers were elected for the ensuing year:

President, Dr. Cyrus Adler; Vice-Presidents, Hon. Simon W. Rosendale, Rev. Dr. B. Felsenthal, Prof. Charles Gross, Prof. Richard J. H. Gottheil; Corresponding Secretary, Max J. Kohler, Esq.; Recording Secretary, Dr. Herbert Friedenwald; Treasurer, Hon. N. Taylor Phillips; Curator, Leon Hühner, Esq.; additional members of the Executive Council, Hon. Mayer Sulzberger, Prof. Morris Jastrow, Jr., Prof. J. H. Hollander, Hon. Simon Wolf, John Samuel, Esq., Rev. Dr. David Philipson, Rev. Henry Cohen, Prof. Morris Loeb, Joseph Jacobs, Esq.; Hon. Oscar S. Straus, ex-officio, as Past President of the Society.

Invitations to hold meetings of the Society at Mobile, Alabama, and at Newport, Rhode Island, respectively, were received, and referred to the Council for consideration.

It was further resolved that a Minute on the death of Judge Isaacs be prepared and that a copy of the same be transmitted to members of his family.

It was further resolved that the thanks of this Society be extended to the Cincinnati Club and the Phœnix Club for their courtesy in placing their rooms at the disposal of the Society for its meetings, as also to the Local Committee of Arrangements and the Jewish Community of Cincinnati, for the interest they have evinced in the work of the Society.

Necrologies of deceased members were presented and read as follows: Of F. D. Mocatta, Esq., an Honorary Member, by Joseph Jacobs, Esq.; of Henry Hendricks, Esq., by Edgar Nathan, Esq.; of Hon. Myer S. Isaacs, by I. S. Isaacs, Esq.; of Moses Lobo, Esq., by Dr. Herbert Friedenwald; and of Rev. Dr. L. Mayer, by Rev. Dr. J. Leonard Levy.

The following papers were read:

Presidential Address, delivered by Dr. Cyrus Adler, on *Jews in the Diplomatic Correspondence of the United States*.

Rev. Dr. David Philipson, Cincinnati, Ohio. *Traces of the Lost Ten Tribes in Ohio?*

David E. Heineman, Hon., Detroit, Michigan. *Jewish Beginnings in Michigan.*

Max J. Kohler, Esq., New York. *Judah Touro, Merchant and Philanthropist.*

Rev. A. G. Moses, Mobile, Alabama. *The History of the Jews of Montgomery, Alabama.*

Rev. A. J. Messing, Jr., Montgomery, Alabama. *Abraham Mordecai, Founder of the City of Montgomery.*

Leon Hühner, Esq., New York City. *The First Jew to Hold the Office of Governor of One of the United States.*

Albert M. Friedenberg, Esq., New York City. *A German Jewish Poet on America.*

Gustavus Isaacs, Esq., New York. *Some Reminiscences of Joshua Isaacs and his Descendants and of Israel B. Kur-scheedt.* (Summarized.)

Also the following, which were read by title:

Joseph Lebowich, Esq., Cambridge, Mass. *Ulysses S. Grant and the Jews.*

Isaac Markens, Esq., New York. *Notes on Some Jewish Settlements in the West.*

Max J. Kohler, Esq., New York. *Some Jewish Factors in the Settlement of the West.* (Summarized.)

Leon Hühner, Esq., New York. *The Struggle for Religious Liberty in North Carolina.*

CURATOR'S REPORT.

Mr. Chairman, Ladies and Gentlemen:—

For the first time since the organization of the Society, all its property, collections, books, manuscripts, and relics, have been brought together from the various cities where they had been stored heretofore. A large portion had been held in Washington, some in Philadelphia, and still another portion in Baltimore. All these collections are now deposited in the handsome, fire-proof room placed at the Society's disposal, under an agreement with the Jewish Theological Seminary, of New York City. In this way for the first time, the Society's possessions have been arranged and catalogued so as to be of service to its members.

Our collections, at present, consist of about 350 bound volumes and several hundred pamphlets. Most of these relate exclusively to American Jewish history, and not a few are both scarce and valuable. The policy followed in adding to the library, has been to limit such additions to works bearing on American Jewish history; thus neither taxing the means of the Society, nor interfering with its primary object.

Besides the above, the Society also possesses a small but growing collection of prints and manuscripts. Among the more rare items of the former is a print of Jacob Philadelphia, portraits of members of the Gratz family, and others; among the latter are several valuable Dutch manuscripts dating back to the eighteenth century, relating mainly to the Jewish history of Curaçao, the original minutes of the trials of Miguel and of Francesco Hernandez de Almeida, by the Inquisition of Mexico, dating back to 1591, and among more modern documents, the original of the address delivered by Ex-Presi-

dent Cleveland, at Carnegie Hall, concerning the Kisheneff Massacre, and the original manuscript notes of Henry Ward Beecher's famous sermon on the Jews, delivered in 1877.

As far as possible, relations have been re-established with the various historical magazines on our list of exchanges and we are now receiving with fair regularity, numbers of the New England Genealogical, the Annals of the American Academy, the South Carolina, Rhode Island, and other historical magazines. Our thanks are also due to the Menorah Magazine and the Maccabean, whose numbers have been regularly received.

During the past year the following interesting purchases of printed books have been made:

The History of the Inquisition of Lima, of Chili, La Plata, Cartagena and of the Philippines; and the four volumes of "Geddes Tracts."

The most valuable of the manuscripts purchased during the year is one purchased for the Society in Holland by Prof. Gottheil, namely, an original letter of protest by the States General of Holland to the King of Spain, concerning certain Brazilian Jewish Refugees who were apparently held by the Spanish Inquisition. This letter is dated 1658.

The thanks of the Society are due to the various learned societies which have generously sent their publications, more particularly, the New York Historical Society and the Jewish Historical Society of England, which during the past year has sent a complete set of its publications to date. We have also received the recent Hebrew Union College Annual, published under the auspices of the Hebrew Union College.

Several valuable gifts have come from individual members and friends. The names of these are as follows:

Dr. Herbert Friedenwald,
Miss Elvira N. Solis,
Dr. S. Solis Cohen,
Mr. Aaron Fishel,
Louis Newberger, of Indianapolis,

Mr. Louis Pfaelzer,
Mr. David Sulzberger,
Rev. George A. Kohut,
Isaac N. Seligman,
Mr. Tierkel, and
Mr. Julius Rosenthal, of Chicago.

A number of books (11) relating to American Jewish history, have been donated by your Curator; an interesting scrap book of clippings relating to the late Emma Lazarus, is a gift of Mrs. J. B. Woolf, in memory of Miss Clara Nathan, fourteen volumes from the press of the late Moses Pollock have been donated by Mrs. Abraham Wolff, Mrs. Isidore Binswanger, and Mrs. Morris Rosenbach, of Philadelphia; several interesting documents relating to the Rev. Isaac B. Seixas, together with a portion of his vestment, are the gift of the Misses Nellie, Rebecca, and Eva Cardozo, of St. Paul, Minnesota, and some sixty pamphlets were presented to the Society by the late Judge Myer S. Isaacs, only a week before his untimely death. A set of the Society's publications was donated by Mr. Charles J. Cohen, of Philadelphia, and a large photograph of the Ezekiel Statue of Jefferson, by Messrs. I. W. and B. Bernheim, of Louisville, Kentucky.

Two gifts to our manuscript collections, deserve especial mention. The one by Mr. Mendes Cohen, of Baltimore, consists of interesting items relating to Jewish history in the American Revolution; the other, the gift of Mr. Abraham Abraham, of Brooklyn, consists of the original notes, in the hand-writing of the late Henry Ward Beecher, from which he preached his famous sermon, on the Anti-Jewish Prejudice Incident at Saratoga, in 1877. Mr. Abraham also donated a number of other Beecher items and both gifts deserve a special vote of thanks.

From what has been stated, it will have been noticed that the Society is collecting along the entire range of the history of the Jews in America, books, manuscripts, portraits, pictures, and relics. It is the only society in the country that is gather-

REPORT OF THE COMMITTEE ON INDEXING
AMERICAN JEWISH PERIODICALS OF THE
AMERICAN JEWISH HISTORICAL SOCIETY.

PREPARED BY REQUEST BY MR. JOSEPH JACOBS.

At the last annual meeting of the Society the following were appointed a committee to decide what steps should be taken for indexing American Jewish periodicals in order to render their contents more accessible to historical enquirers: Max J. Kohler, A. S. Freidus, Miss S. X. Schottenfels, Rev. George Alexander Kohut, Albert M. Friedenberg, with power to add to their numbers. To these were added Miss Henrietta Szold, Mr. Julien M. Isaacs, Mr. Joseph Jacobs.

The committee has held five meetings in all and discussed the lines on which the indexing of American Jewish periodicals might be best undertaken for historical purposes. A certain division of opinion existed in the committee as to the scope of the indexing work, a slight majority being in favor of limiting the items indexed to American Jewish topics, excluding non-Jewish and foreign Jewish matters. It was agreed that any index would have to be select to get in only noteworthy items, and that editorials as a rule should be omitted, while sermons would only be referred to under the names of their authors.

A further division of opinion existed as to the desirability of printing the index or any part of it, though the scope of the work would naturally be determined to a large extent by the question whether the items should be in print or not. It was suggested that a card index should be prepared and preserved at the office of the Society and four or five libraries

for the use of historical enquirers, and a list be prepared of the American Jewish papers accessible in the various public libraries. Mr. Friedenberg was good enough to prepare such a list, which is herewith appended. (See Appendix A.)

An alternative proposal made by Mr. Joseph Jacobs was to ascertain in the first place whether partial indexes of separate periodicals could not be made on a uniform plan in conjunction with the proprietors of current newspapers, to whose interest it would obviously be to possess a clue to their own files, and who it might be presumed would have sufficient public spirit to help to prepare, and above all to print an index of their own issues. This suggestion met with the approval of the committee, and it was resolved that the committee ask that a Committee on Indexing be appointed with permission to co-operate with other organizations and to apply to the editors and proprietors of the chief current American Jewish newspapers of long standing and induce them to prepare on a uniform scale an index of their past volumes to be published in the first instance as a supplement to each newspaper, and then made up into page form, as far as possible uniformly, this committee giving its aid in suggesting plans, and so far as possible helpers, towards preparing the index. The following papers will be among those to be approached:

American Hebrew, American Israelite, Jewish Exponent, Reform Advocate, Jewish Comment, Menorah.

If the committee were successful in obtaining the consent of the proprietors to produce these partial indexes they could then undertake themselves some of the extinct periodicals like *The Asmonean, Sinai, The Occident, Jewish Messenger, The Jewish Times, The Jewish Reformer, Der Zeitgeist, American Jews' Annual*, which could then be printed at the expense of the Society in one alphabet. From this and from the other indexes six card indexes could be easily made up to be distributed in the chief centers of Jewish population for consultation by Jewish and American historical enquirers, and could be supplemented in each case by local items, in manuscript form.

These measures seem to the committee the best that can be at present adopted to insure the indexing of the American Jewish press without involving the Society in a cost almost prohibitive. It is confidently expected that the editors and proprietors of Jewish newspapers in this country will with their customary public spirit aid in carrying this plan into operation.

Respectfully submitted,

MAX J. KOHLER,

Chairman.

ALBERT M. FRIEDENBERG,

Secretary.

APPENDIX A.

Locale of the American Jewish Periodicals to be used in preparing the projected index.

(The periodicals here set down are those which the committee deems most important for its purpose. These periodicals cover with a tolerably unbroken continuity the history, affairs, and life of the Jews in America since the time when they had become, to all intents and purposes, quite a large community, or, more strictly speaking, when they had spread over the land in several large, well-defined communities. This bibliographical list does not include all the periodicals on the shelves of the various libraries represented. The present is not the place for such a complete check-list, and the compiler has not been put in possession of sufficient facts to enable him to prepare it with any degree of accuracy. For this, the interested reader is referred to the *Bulletin* of the New York Public Library, v. vi, pp. 258-264 (No. 7, July, 1902), and the *Bulletin* of the Maimonides Free Library (New York), May, 1903.—A. M. F.)

ABBREVIATIONS.—New York Public Library—Astor (Astor Building); 59th Street Branch (59th St., Aguilar); East Broadway Branch (East Broadway, Aguilar); Leeser (Leeser

Library, Philadelphia); Maimonides (Maimonides Free Library, New York); Harvard (Harvard University Library, Cambridge, Mass.); H. U. C. (Hebrew Union College Library, Cincinnati); J. T. S. A. (Jewish Theological Seminary of America Library, New York); San Francisco (B'nai B'rith Library, San Francisco).

American Hebrew (1879-date), weekly, New York.

Astor—complete.

59th Street Branch—v. i-lix.

Harvard—a few separate issues.

Maimonides—v. i-iii, vii-xix, xxiii, xxiv, xxxv, xxxvi, li, lii, lviii-lxii, lxv, lxvii, *et seq.*

American Israelite (1854-date), weekly, Cincinnati.

Astor—complete.

59th Street Branch—v. for 1886-87.

H. U. C.—complete.

Maimonides—v. i-viii, x-xxii, xxiv-xxix, xxxii, xxxiii, xlv, *et seq.*

San Francisco—v. for 1876-1882.

Die Deborah (1856-1900), weekly, German, Cincinnati.

New series (1901-1903), monthly, German, Cincinnati.

Astor—new series complete.

H. U. C.—complete.

Maimonides—v. i-vi, x-xviii, xx-xxviii; new series complete.

Jewish Messenger (1857-1903), weekly, New York.

Astor—v. lxxxi-xci.

East Broadway Branch—v. xix-lxxviii, lxxxi-lxxxviii.

H. U. E.—v. for 1859.

Maimonides—v. xix-xlvi, lxxxiii, lxxxv-xc.

Menorah Monthly (1886-date), monthly, New York.

59th Street Branch—v. iii-xxvii.

East Broadway Branch—v. for 1886-1889, 1890-1894, 1900 (very incomplete).

H. U. C.—v. for 1900-1902.

J. T. S. A.—v. i-xxxiii, xxxv, *et seq.*

The Asmonean (1849-1858), weekly, New York.

H. U. C.—complete.

J. T. S. A.—v. ii, No. 21.

The Jew (1823-1825), monthly, New York.

Astor—complete.

J. T. S. A.—complete.

Leeser—complete.

Maimonides—complete.

The Occident (1843-1869), monthly, Philadelphia.

59th Street Branch—v. i-vii.

East Broadway Branch—v. v, vi.

J. T. S. A.—complete, two separate issues missing.

Leeser—complete.

Maimonides—v. v, vi, ix, xi, xiii-xvi, xx, xxii-xxvi.

San Francisco—v. i-xxiv.

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NATURALIZATION OF JEWS IN NEW YORK UNDER THE ACT OF 1740.

BY LEON HÜHNER, A. M., L.L.B., *New York City.*

At the first meeting of this Society, the Hon. Simon W. Rosendale presented a copy of the Act of 1740, allowing naturalization of Jews in the American colonies.¹ He called particular attention to Section 5 thereof, which required "the Secretary of every colony to send to the offices of the Commissioners for Trade and Plantations, to be kept in the City of London or Westminster, a true and perfect list of the names of all and every person and persons who have entitled themselves to the benefit of the Act, which lists so transmitted were required to be regularly entered by the Commissioners in a book to be kept for that purpose."

On that occasion Judge Rosendale recommended that these European lists be looked up with a view of identifying some of the early Jewish settlers in America.

Following this suggestion, a very valuable paper was submitted at the meeting of 1896 by Dr. J. H. Hollander, in which a complete history of the Act was given, as well as an account of the ineffective movement for its repeal in 1753. It appeared that Mr. Lucien Wolf, of London, had previously examined the archives of the Public Record Office and made a list of the names to be found in the offices of the Commissioners referred to. This list was verified by Dr. Hollander

¹ Simon W. Rosendale, "An Act Allowing Naturalization of Jews in the Colonies," *American Jewish Historical Society Publications*, No. 1, p. 93.

by independent research and appeared in No. 5 of the Society's Publications.²

The present paper is devoted to another line of research heretofore untouched, namely, the original official lists made in America, from which the English lists were prepared.

Investigation shows that the lists examined by Dr. Hollander are neither conclusive nor absolutely correct. Errors naturally crept in, due partly to the clerks in America who transcribed the names, and partly no doubt to the clerks in England when making their entries. Furthermore, after some years the London officials seem to have grown careless in making entries; thus, while in New York, for instance, the colonial officials continued to send home lists of naturalizations pursuant to statute as late as 1770, the last entry relating to New York found by Dr. Hollander in England is dated October, 1748.

Through the courtesy of Mr. Eames, and Mr. Palsits, of the Lenox Library, the present writer had the privilege last summer of examining a mass of original manuscripts relating to New York, belonging to that institution. He there found a large folio manuscript book belonging to the Emmett collection which turned out to be the original book of entry for naturalizations in New York under the Act mentioned.

This volume adds to our knowledge of the Act and also of the persons who took advantage thereof. In point of numbers it adds at least ten names to the list of New York Jews not included in the English transcript. From it we learn also the exact date of naturalization in each instance and the spelling of some of the names is corrected. The English list in some cases had substituted an entirely different name from that in the original entry. Thus, for instance, in Dr. Hollander's list a name is given as Solomon Bares; the original

² J. H. Hollander, "The Naturalization of Jews in the American Colonies under the Act of 1740," *American Jewish Historical Society Publications*, No. 5, p. 105.

entry in New York shows the name of the person to have been Solomon Nare.

The manuscript at the Lenox Library is entitled as follows: “The Several Persons hereafter named took the Oaths made repeated the Declaration as Directed by an Act of Parliament made in the thirteenth year of the Reign of King George the Second—Entituled ‘An Act for Naturalizing such foreign Protestants and others therein mentioned as are settled or shall settle in any of His Majesty’s Colonies in America.’”

The book is marked off in parallel columns toward the binding so that the names run along over both pages, one under the other. The headings of these columns are as follows:

Names of the Persons naturalized.

Their religious Profession.

Their Temporall Profession and Place of Abode.

Minister Certifying receiving the Sacrament.

The witnesses names to the Certificate.

The day of the month.

No witnesses appear in connection with any of the Jewish names, while in the case of all other applicants the names of witnesses are given. This fact is fully explained by the provisions of the Statute. Article II provides that with the exception of Quakers and Jews “No one shall be naturalized by virtue of this Act, unless such person shall have received the Sacrament of the Lord’s Supper in some Protestant and Reformed Congregation within this Kingdom of Great Britain or within some of the said Colonies in America within three months next before taking and subscribing the said oaths and making, repeating and subscribing the said Declaration, and shall at the time of his taking and subscribing the said oaths and making, repeating and subscribing the said Declaration, produce a certificate signed by the person Administering the Said Sacrament and attested by two credible Witnesses, whereof an entry shall be made in the Secretary’s Office of the Colony,” etc.

As the Statute provided that naturalization might take place in open court before the Chief Judge or other Judge of the Colony wherein the person resides, and that an entry be made in a book to be kept in court for the purpose, it is likely that there were several books in the different courts. These were ultimately transcribed by the Secretary of the Colony in a special book kept by him. The book at the Lenox Library is evidently the Secretary's book, whose duty it was to transmit the names to England, for it shows such transmission from time to time.

Although the statute required the names to be transmitted yearly, this provision does not seem to have been observed after 1741. Following an entry April 27, 1741, appears the following note:

“So far Sent Home in May 1741, according to the Statute.”

No similar entry appears for years afterward, the last being July, 1770, followed by the remark, “Hitherto lists sent to the Board Trade.” The last Jewish naturalization bears date January, 1766.

The book contains 34 Jewish names in all, each particularly described as “Jew.” All are described as of the “City of New York, merchant,” with the following exceptions:

Isaac Hays, Tallow chandler.

Isaac Adolphus, Trader.

Hyam Myers, Butcher.

Manuel Myers, Trader.

Isaac Elizer, Rhode Island, Merchant.

Levy Hart, of the Colony of New York, Merchant.

Jonas Solomons, “ “ “

Joseph Jesurum Pinto, Minister of Jewish Congregaton.

The last-named was naturalized January 22, 1766, and his is the last Jewish name on the list.

While discussing this list with my friend Mr. Kohler, he suggested that the Rhode Island name may have been that of a Jew who was refused naturalization in his own colony. Investigation led to the following interesting result:

In 1762, Aaron Lopez and Isaac Elizar, both of Newport, applied for naturalization, which was refused.

The decision of the court was based in part upon the fact that the applicants were Jews. In order to give it some color of logic, however, the following far-fetched construction was put upon the Act of 1740: The Naturalization Act, it was argued, "was designed for increasing the number of inhabitants, but as the colony was already full, it could not be the intention of the Act that any more should be naturalized." On this episode, Arnold the historian suggests what is probably the truth, that the decision was not due to religious prejudice, but was simply a political expedient to prevent any increase in the voting population during the struggle then going on between Chief Justice Ward and Governor Hopkins.³ In a paper on the "Jews of New England Prior to 1800," presented at the last meeting, the present writer called attention to the fact that Lopez promptly went to Massachusetts and obtained naturalization at Boston.⁴ The original New York record now shows that Elizar at about the same time came to New York and there obtained the benefits of the Act.

It is not unreasonable to suppose that similar manuscripts have been preserved in the rest of the thirteen colonies. If the present paper serves to stimulate research in that direction and thereby to bring to light names of early Jewish settlers, its object will have been amply fulfilled.

³ Charles P. Daly, "The Settlement of the Jews in North America," New York, 1893, pp. 82-84. See also Arnold's "History of Rhode Island," p. 496.

⁴ "The Jews of New England (other than Rhode Island) prior to 1800," *American Jewish Historical Society Publications*, No. 11, p. 81. See also *Collections of the Massachusetts Historical Society*, 1858-1860, Vol. IV, p. 342.

APPENDIX. (SHOWING ARRANGEMENT IN ORIGINAL"RECORD.)

Names of the Persons Naturalized.	Their Religious Profession.	Their Temporal Profession and Place of Abode.	Minister Certifying Receiving the Sacrament.	The Witnesses Names to the Certificate.	The Day of the Month.
David Gomez.....	Jew.	City of New York. Merchant.	.....	.....	.....
Mordecai Gomez.....	Jew.	Do.	.....	.....	.....
Daniel Gomez.....	Do.	Do.	.....	.....	.....
Jacob Ferro, Jur.	Do.	Do.	.....	.....	.....
Samuel Levy.....	Do.	Do.	.....	.....	.....
Samuel Myers Cohen.....	Do.	Do.	.....	.....	.....
Abraham Myers Cohen.....	Do.	Do.	.....	.....	.....
Abraham Isaacs.....	Do.	Do.	.....	.....	.....
Isaac Levy.....	Do.	Do.	.....	.....	.....
Solomon Myers.....	Do.	Do.	.....	.....	.....
Joseph Simon.....	Do.	Do.	.....	.....	.....
Solomon Nare.....	Do.	Do.	.....	.....	.....
David Hay.....	Do.	Do.	.....	.....	.....
Abe Rodriguez De Rivera.....	Do.	Do.	.....	.....	.....
Dai Rodriguez Vinera.....	Do.	Do.	.....	.....	.....
Moses Lopez.....	Do.	Do.	.....	.....	.....
Judah Hay.....	Do.	Do.	.....	.....	.....
Levy Samuel.....	Do.	Do.	.....	.....	.....
Solomon Hart, Jur.....	Do.	Do.	.....	.....	.....

SO FAR SENT HOME IN MAY 1741 ACCORDING TO THE STATUTE.

Names of the Persons Naturalized.	Their Religious Profession.	Their Temporal Profession and Place of Abode.	Minister Certifying Receiving the Sacrament.	The Names of the Witnesses to the Certificate.	The Month & Year.
Isaac Nunes Henriques.....	Jew.	.....	.....	.....	Oct. 23, 1741.
Abraham De Leas.....	Do.	of the City of New York. Merchant.	.....	.....	.....
Moses Levy.....	Jew.	of the City of New York. Merchant.	.....	.....	April 19, 1743.
Isaac Seixas.....	Jew.	of the Same City. Merchant.	.....	.....	Nov 4, 1745.
Jacob Rodrigues Rivera.....	Jew.	of the Same City. Merchant.	.....	.....	Jan. 21, 1746.
Isaac Hays.....	Jew.	of the Same City. Tallow Chandler.	.....	.....	April 26, 1746.
Moses Benjamin Franks.....	Jew.	of the same City. Trader.	.....	.....	Oct 18, 1748.
Isaac Adolphus.....	Do.	Do.	.....	.....	July 25, 1758.
Hyram Myers.....	Do.	Butcher.	.....	.....	Jan 16, 1769.
Manuel Myers.....	Do.	Trader.	.....	.....	July 23, 1769.
Isaac Elizer.....	Jew.	Rhode Island. Merchant.	.....	.....	Oct 10, 1763.
Levy Hart.....	Jew.	Colony of New York. Merchant.	.....	.....	October 27, 1763.
Do.	Do.	Do.	.....	.....	.....
City of New York. Merchant.	Jew.	.....	.....	.....	.....
Naphthali Hart Meyers.....	Jew.	Minister of Jewish Congn.	.....	.....	April 27, 1764.
Joseph Jesurum Pinto	Do.	.....	.....	.....	January 22d 1766.

HITHERTO LIST SENT TO THE BOARD TRADE.

There are no other Jewish names though the other entries continue to July 1770.

PHASES IN THE HISTORY OF RELIGIOUS LIBERTY IN AMERICA WITH PARTICULAR REFERENCE TO THE JEWS.—II.

BY MAX J. KOHLER, A. M., LL. B.

(a) Development of the Law Concerning Competency and Legal Credit of Jewish Witnesses.

In the first paper bearing the above title, read before this Society in December, 1897, and appearing in No. 11 of our "Publications," I had occasion to emphasize the very important influence of the Virginia Act for Religious Liberty upon the emancipation of the Jews of Europe, particularly of France. At present I ask your attention to the consideration of a very curious chapter in American legal history, which presents the rare instance at first of American retrogression over English authoritative precedents making for religious liberty and which, theoretically at least, resulted in serious injury to Jewish rights in America for long periods of time. The question under consideration is the right of Jewish witnesses to testify in court, after being sworn in the only ways deemed by them to be binding upon themselves under their religious tenets, and closely allied to it, the right to inquire into a witness' religious views, for the purpose of affecting his credibility as a witness. The surprising situation arose in a number of our colonies that American tribunals overlooked the English precedents, holding that Jews are competent witnesses in court, though conscientiously incapable of taking an oath on the New Testament, and held that their inability, conscientiously, to take the Christian oath, made them incompetent to testify under the English law, and therefore also in

our own courts, except in as far as special statutes made them competent witnesses. In short, a misconception of the English law, which these tribunals sought to follow, led to such extraordinary results for some time, as to seriously affect the liberty and property rights of Jewish residents. Except with respect to the right to seek to discredit a witness by showing that he belonged to a particular religious sect, these oppressive provisions were quite generally swept away after 1775 by the religious liberty clauses in our various State Constitutions.

The earliest instance in which Jews seem to have been prevented from testifying in American colonial courts appears to be presented by the history of the Island of Barbadoes. The exact particulars as to the court's decision have not been brought to light, but we know that the Jewish residents of the island started a very vigorous movement for the repeal by legislation of this disability about 1673, and on February 18th, 1674, a colonial statute was passed, permitting Jews "that are Men of Credit and Commerce," to be sworn on the five books of Moses and to testify in causes relating to trade and dealing, *but not otherwise*.¹ The effect of this statute was to make them competent witnesses only in this limited class of cases, whatever the correct view of the British common law on the subject was. It has been pointed out by Dr. Friedenwald that a law which passed the colonial assembly in February, 1675, making them competent in all causes, may not have received the approval of the Legislative Council and the Governor, for it is not to be found in the published colonial statutes, though it is occasionally referred to as having been duly enacted.² A singular contrast to this instance is afforded by the neighboring island of Jamaica, to which, according to a local historian,³ Jews were particularly attracted "by the

¹ *American Jewish Historical Society Publications*, No. 5, pp. 59, 96.

² Friedenwald, *Ibid.*, cf. Poyer's "History of the Barbadoes, 1680," cited in *The Occident*, Vol. II, p. 295.

³ Bridges, "Annals of Jamaica," pp. 434-442, cf. Chalmer's "Colonial Opinions," p. 498.

peculiarly mild disposition of the government towards them; for in some of the other colonies they were virtually proscribed by the admission of slave evidence against them in courts of law." In New York in colonial days in the course of an election contest, the New York Assembly decided, on September 22d, 1737, "that it was the opinion of the house that none of the Jewish profession could be admitted as evidence in the controversy now depending."¹ Various colonies may have had special legislation, tending to sustain the exclusion of Jewish witnesses, and in some of them, where the laws against blasphemy were very rigorously construed, the mere refusal to take the Christian oath may in particular cases have been treated as penal. In the very recent case of *Brink vs. Stratton*, 176 N. Y. 150, decided by the New York Court of Appeals on October 6th, 1903, and which will be more fully considered hereafter, Judge Cullen states on behalf of a majority of the court that "at common law no one but a Christian was a competent witness." The fact is that the specific English cases directly involving Jews as witnesses were comparatively unknown, and quite generally escaped the attention of persons not making special efforts to find the authorities on this very point, while some general observations in well-known and authoritative law-books, not dealing with Jews specifically, seemed to sustain their exclusion as witnesses.

In fact, however, the English Court of King's Bench, already in 1667, in the case of *Robeley vs. Langston*, 2 Keble's Reports, 314, had the precise question of the right of Jewish witnesses to testify before it, and unanimously held that they were competent witnesses and were to be sworn on the Old Testament. A few years later, in 1684, the same question

¹ *New York Assembly Journal*, 1691-1743, Vol. I, p. 712. There is good reason for believing, however, that this was intended only as applicable to election contests in which voters were, under oath, explaining how they voted, the Assembly having previously, I think erroneously, decided that Jews were not qualified voters in this election.

came up in the English Court of Chancery, and the same conclusion was reached there.⁵ By the time the leading case of *Omichund vs. Barker*⁶ was decided in 1744-5, the Lord Chancellor of England, in conjunction with the Chief Justice of the other courts, applied the established and recognized right of Jewish witnesses to testify as a precedent in favor of permitting Gentoos, residing in the East Indies, to testify; the reported Jewish precedents, as well as some unreported ones, including an action pending in 1732 between one Lopes and Nunes in England, were cited.⁷ The question was very elaborately considered by all the judges, each of whom handed down a written opinion, while the opinion of Lord Chief Justice Willes is more fully reported in the series of reports bearing his name. The case has become one of the "leading cases" in our law.

In this case the court considered and disapproved of the language of Lord Coke, which treated Jews as incompetent witnesses, and which probably underlies the American colonial decisions above referred to. Coke, writing in 1628, holds that Jews are infidels, and cannot, for this reason, be witnesses. Sir Mathew Hale and Hawkins both tried to show that Lord Coke did not mean to include the Jews among "Infidels." In this case of *Omichund vs. Barker*, however, Chief Justice Willes admits that Coke clearly did intend to bar Jewish witnesses, but strongly disapproved of his language. Justice Willes' language is as follows:

"As to the general question, Lord Coke has resolved it in the negative, Co. Lit. 6b, that an infidel cannot be a witness; and it is plain by this word "infidel" he meant Jews as well as Heathens, that is, all who did not believe the Christian religion. In 2 Inst. 507, and many other places, he calls the Jews 'infidel Jews'; and in the 4 Inst. 155, and in several other passages of his

⁵ Anonymous, I Vernon's Reports, 263.

⁶ I Atkyns' Reports 21, Willes' Reports, 541, I Smith's Leading cases.

⁷ I Atkyns' Reports, 30.

books, he makes use of this expression, infidel pagans, which plainly shows that he comprised both Jews and Heathens under the word infidels; and, therefore, Serjeant Hawkins (though a very learned painstaking man) is plainly mistaken in his History of the Pleas of the Crown, Vol. 2, p. 434, where he understands Lord Coke as not excluding the Jews from being witnesses, but only heathens. But Lord Chief Justice Hale understood this in another sense in that remarkable passage of his, which I shall mention more particularly by and by. I shall, therefore, take it for granted that Lord Coke made use of the word infidels here in the general sense; and that will, I think, greatly lessen the authority of what he says; because long before his time, and of late, almost ever since the Jews have returned into England, they have been admitted to be sworn as witnesses. But I think the counsel for the defendant seemed to mistake the reason upon which Lord Coke went. For he certainly did not go upon this reason, that an infidel could not take a Christian oath, and that the form of the oath cannot be altered but by act of Parliament; but upon this reason, though I think a much worse, that an infidel was not fide dignus, nor worthy of credit; for he puts them in company and upon the level with stigmatized and infamous persons. And that this was his meaning appears more plainly by what he says in Calvin's Case, 7 Co. 17, b, that "all infidels are in law perpetual enemies; for between them, as with the devils, whose subjects they are, and the Christians, there is perpetual hostility, and can be no peace. For as the apostle saith, 2 Cor. 6, v. 16: 'quæ conventio Christi cum Belial? Quæ pars fideli cum infidele? Infideles sunt Christi et Christianorum inimici.'" And herewith agreeth the book in 12 H. VIII, fol. 4, where it is holden, that "a pagan cannot maintain any action at all." But this notion, though advanced by so great a man is, I think contrary not only to the scripture, but to common sense and common humanity. And I think that even the devils themselves, whose subjects he says the heathens are, cannot have worse principles; and besides the irreligion of it, it is a most impolitic notion, and would at once destroy all that trade and commerce from which this nation reaps such great benefits. We ought to be thankful to Providence for giving us the light of Christianity, which He has denied to such great numbers of His creatures of the same species as ourselves. We are commanded by our Saviour to do good unto all men, and not only unto those who are of the household of faith. And St. Peter saith, Acts 10, v. 34, 35, that "God is no respecter of persons, but in every nation he that feareth

him and worketh righteousness is accepted with him." It is a little, mean, narrow notion, to suppose that no one but a Christian can be an honest man. God has implanted by nature in the minds of all men true notions of virtue and vice, of justice and injustice, though heathens perhaps more frequently act contrary to those notions than Christians, because they have not such strong motives to enforce them. But as St. Peter says, there are in every nation men that fear God and work righteousness; such men are certainly fide digni, and very proper to be admitted as witnesses. I will not repeat what was said by Sir George Treby, in the case of monopolies, in the State Trials, Vol. 7, p. 402, of this notion of Lord Coke's, and which was cited by one of the counsel; but I think it very well deserves every epithet that he has bestowed on it. I have dwelt the longer upon this saying of his, because I think it is the only authority that can be met with to support this general assertion that an infidel cannot be a witness. For though it may be founded upon some general sayings in Bracton, Fleta, and Briton, and other old books, those I think of very little weight, and, therefore, shall not repeat them; first, because they are only general dicta; and in the next place because these great authors lived in very bigoted popish times, when we carried on very little trade, except the trade of religion, and consequently our notions were very narrow, and such as I hope will never prevail again in this country. As to what is said by that great man, the Lord Chief Justice Fortescue, in his book *De Laudibus*, b. 26, that witnesses are to be sworn on the Holy Evangelists; he is speaking only of the oath of a Christian, and plainly had not the present question at all in his contemplation. To this assertion of my Lord Coke's, besides what I have already said, I will oppose the practice of this kingdom, before the Jews were expelled out of it by the stat. 18 E. I. For it is plain, both from Madox's *History of the Exchequer*, p. 167 and 174, and from Seld. Vol. 2, p. 1469, that the Jews here, in the time of King John and Henry the Third, were both admitted to be witnesses, and likewise to be upon juries in causes between Christians and Jews, and that they were sworn upon their own books or their own roll, which is the same thing. I will likewise oppose the constant practice here almost ever since the Jews have been permitted to come back again to England; viz., from the 19 Car. II (when the cause was tried which is reported 2 Keble, 314), down to the present time, during which I believe not one instance can be cited in which a Jew was refused to be a witness,

and to be sworn on the Pentateuch. To this assertion I shall likewise oppose the very great authority of Lord Hale, Vol. 2, 279."⁸

Curiously enough, the English courts even had the refinements presented, as to whether a Jew, who had abandoned the practices of his religion and lived as a Christian, though not formally converted, could be sworn on the New Testament, even though he considered such oath as binding, which question was answered in the affirmative during the reign of George III,⁹ as also the question whether a new trial should be ordered, where it appeared that a Jew, not known to be such, had been inadvertently sworn on the New Testament, which question was answered in the negative in 1822.¹⁰

It is, however, but just to note the fact that there was a desire to secure credible testimony underlying the cases establishing religious restrictions on the competency of witnesses. The courts strove to secure a greater sanction for an oath, than merely the dread of having false swearing visited by penal consequences attending prosecutions for perjury. They sought, in addition, to secure for the testimony further sanction by confining it to witnesses believing in a God that punished false swearing in a future world. For a long time, accordingly, in all English-speaking jurisdictions, and to this day in some other countries, atheists or persons not believing in a future state of rewards and punishments, were incompetent as witnesses. On these lines of inquiry, the religious principles of Jews were as significant as those of Christians. In many of our American States, the provisions of the various State Constitutions establishing religious liberty had the effect of superseding colonial enactments and judicial determinations, prescribing religious qualifications for witnesses and officers. I believe attention has never heretofore been directed

⁸ Smith's *Leading Cases*. Vol. I, Part 2, *Omichund vs. Barker*, pp. 673-674.

⁹ *Rex vs. Gilham*, 1 *Espinasse's Reports*, 285.

¹⁰ *Sells vs. Hoare*, 3 *Brod. and B. Reports*, 232.

to the fact that the Maryland movement for the total repeal of Jewish disabilities resulted in the inclusion of a clause specifically naming and referring to Jews in the State Constitution, this being, I believe, the only specific reference to Jews in the Constitution of any State of the Union. The Maryland Constitution of 1851, in Article 34 thereof, contains the following clause:

“That no other test or qualification ought to be required on admission to any office of trust or profit, than such oath of office as may be prescribed by this constitution, or by the laws of the State, and a declaration of belief in the Christian religion, and *if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards and punishments.*”¹¹

In the Constitution of 1864 this specific reference to Jews was omitted and broader language, applicable to all non-Christians, substituted, the requirement being “a belief in the Christian religion, or in the existence of God, and in a future state of rewards and punishments.”¹² This was, in turn, subsequently modified; both provisions would seem to continue to discriminate against Jews not believing in a future state of rewards and punishments. A statute seems to be still in force to this effect, expressly referring to Jews.¹³

In a number of American cases, the question of the competency of Jewish witnesses and the mode of swearing them, has been presented; my attention has been called to the following reported cases, involving this question:

(1) “Solomon Newman against Abraham Newman. 7 New Jersey Equity Reports, page 26 (Dec., 1847).

An injunction had been obtained by the complainant on a bill sworn to in the usual form.

O. S. Halsted, Jun’r, on affidavits shewing that the complainant was a Jew by birth and religion, and attended the Jewish Synagogue, moved that the injunction be dissolved.

¹¹ Poore’s Federal and State Constitutions, Vol. I, p. 839.

¹² Ibid, p. 862.

¹³ Public General Laws of Maryland, Vol. II, p. 1309.

Mr. Bradley, contra.

The Chancellor ordered that the complainant swear to the bill according to the form and solemnities of the Jewish religion in ten days after service of a copy of the order, or that the injunction be dissolved.

The complainant failed to comply with the order.

Injunction dissolved.

See 1 Vernon 263, case 258."

This case seems to require that in the case of Jewish affiants, it should be made affirmatively to appear that they were sworn according to Jewish tenets; that is no longer followed anywhere.

(2) People against Samuel Jackson. 3 Parker's Criminal Reports. Page 590.

On a trial of defendant for larceny in November, 1856, in the New York (City) Court of General Sessions of the Peace. (Pages 590-591.)

"The people, to maintain the issue on their part, called as a witness Joseph Scheuer, who, before being sworn, was asked by prisoner's counsel his religious faith, and answered that he was an Israelite, a Jew; upon being then asked by said counsel whether there was not a form of oath more binding and obligatory upon persons of his religious faith, and so considered by them, than the usual form, replied that there was with some, but not with him; that it was with a skein of silk about the arm, and other ceremonies, which he could not particularly state, but that the usual form was binding on his conscience.

The prisoner's counsel thereupon objected to the witness being sworn in the usual form, and insisted he should be sworn in the form considered most binding upon persons of his religious faith; but the court overruled the objection, and the witness was sworn in the usual form, upon the Hebrew Bible, and covered; to which the prisoner's counsel excepted."

(3) In Donkle *vs.* Kohn, 44 Georgia Reports, 266 (1871),

the refusal of a Jew to answer questions as to his religious belief, obviously intended to prejudice the jury against him, was sustained, and the court held that Jews are competent witnesses at common law.

(4) *Sessenwein against Palmer.* 3 Quebec Practice Reports, page 110. Montreal, December, 1899.

Held: "A witness at the trial, who professes the Jewish religion, but is sworn on the Evangelists and without placing his hat on his head, will be sworn anew by order of the court when his religious belief is ascertained by counsel, notwithstanding the fact the witness declares himself bound by the oath already taken."

There are, in addition, numerous cases in which the propriety of swearing Jewish witnesses on the Old Testament was only incidentally involved.¹⁴

The revisers of the N. Y. Revised Statutes, which statutes were so widely followed and copied in other States, made provision for swearing witnesses of every faith, and, writing in 1828, clearly expressed in their notes their purpose, which they considered merely declaratory of the American common law, under the religious liberty clauses of the Constitution.

Even lawyers, however, unless undertaking a thorough inquiry into this branch of the law, are likely to be surprised to find that there are so many States of our Union in which inquiry into the religious beliefs of witnesses is still authorized, when seeking to discredit the witness by awakening prejudice against his sect, though in practice this course is very rarely pursued. A long and valuable note on this question may be found in Volume 42 of the Lawyer's Reports, Annotated. In the case of *Brink vs. Stratton*, 176 N. Y. 150, above referred to, the New York Court of Appeals, two judges dissenting, has just placed itself in line with the majority of our States in holding that such methods are incon-

¹⁴ See *O'Reilly vs. People*, 86 N. Y., 154, 158. *Comm. vs. Batchelder*, Thacher's Criminal Cases, Mass., 141 (1829).

sistent with the religious liberty clauses of our Constitution, though it was necessary to overrule the unanimous opinion of the same court in the case of *People vs. John Most*, 128 N.Y. 108, rendered as recently as 1891, in which the same objection had been pronounced to be "frivolous."

(b) *A Georgia Decision of 1783-4 Concerning the Jews, and Contemporary Criticism Thereon.*

My attention was recently directed to a curious little pamphlet contained in the Congressional Library at Washington, entitled "Cursory Remarks on Men and Measures in Georgia," by a Citizen. Printed in the Year 1784 (F 290 C 97). It is a vehement attack on the Chief Justice of Georgia of that day, and seems to have been intended for campaign purposes, as the Chief Justice's term of office was about to expire. Pages 18 to 27 of this pamphlet are devoted to criticism of a decision handed down by the "last Court," by a vote of two to one (the Chief Justice being of the majority), of which I have thus far been unable to learn anything beyond the fact that a Jewish defendant, when sued by a half-breed plaintiff, alleged son of a Jewish father and a free Indian mother, set up that the plaintiff's race incapacitated him from suing, and the court sustained this objection.

The critic of the court takes up the consideration of this decision and severely censures the court for not having held that the Jews have no capacity to sue, while free Indians have, by force of colonial legislation. He contends that the matter ought to be determined by English law, in the absence of local legislation, cites Blackstone and other authorities concerning the Jews being infidels and therefore alien enemies, and concludes that they are without rights in a court of justice. He contends that in England the Jews had no legal status until the naturalization statutes 13 Geo. II, 20 Geo. II and 2 Geo. III were enacted, but these statutes are inapplicable to Georgia, on the principle upon which the legality of the Stamp Act had been assailed in the colonies.

In the course of his pamphlet this anonymous critic makes some remarks concerning the position of the Jews in Georgia which, in spite of the writer's venom and bias, are interesting as throwing some light on the position of the Jews in Georgia in 1784. He says:¹⁵

"But when we see these people eternally obtruding themselves as volunteers upon every public occasion, one day assuming the lead at an election, the next taking upon them to direct the police of the town, on the third daring to pass as jurors upon the life and death of a free man, what are we to expect, but to have Christianity enacted into a capital heresy, the synagogue become the established church and the mildness of the New Testament compelled to give place to the rigor and severity of the Old. The most distant apprehension of which evils is sufficient to rouse any man into action who values either his civil or his religious belief."

Curiously enough, on p. 27 this critic expressly excepts one whole family (unnamed), and perhaps to these might be added two or three individuals, "whose long residence, upright demeanor and inoffensive conduct in this State deserve the countenance and esteem of every honest Christian."

There is nothing to indicate that the dissenting judge expressed any such views, and no reason to suppose that an argument was ever made before any American tribunal, designed to sustain the claim that Jews are alien enemies, having no status in a court of law. In England there was an early English Year Book decision to this effect, but the contrary was decided in 1673 in a case reported in Lilly's Practical Register I, page 3, when a Christian defendant raised such claim. The entire spirit of American decisions is in conflict with such a claim,¹⁶ and the reasoning is so illogical and absurd, that it is quite unnecessary to point out its fallacies.

¹⁵ Page 26.

¹⁶ The passages from this pamphlet and a rejoinder from the contemporary Georgia press, are reprinted in full in Appendix A.

(c) *Jewish Protests Against Sectarian Thanksgiving Day Proclamations.*

The habit of issuing Thanksgiving Day Proclamations, year after year, has frequently led Presidents of the United States and Governors of States to use sectarian language in connection with the behest to the citizen to resort to his house of worship. While engaged in urging participation in religious service, it is not strange that officials have at times forgotten strictly to apply the American principle of the separation of Church and State, and have employed language bound to be objectionable to non-Christians. A large collection of strong Jewish protests against such objectionable phraseology can be made, for our predecessors remembered that "eternal vigilance is the price of liberty." Frequently these protests led to responses in which the officials in question either apologized for their inadvertence or assured the protestants that a desire to wound them was far from their thoughts; occasionally, on the other hand, the writers sought to justify their course by arguments to show that this is a Christian country. I have gathered together herein a number of these protests and the responses thereto, though the number is capable of considerable augmentation.

Thanksgiving and fast days were not uncommon in colonial days, particularly among the Puritans, and it was natural for the American Congress to adopt resolutions from time to time during the Revolutionary War, requesting the commander-in-chief and the executives of the different States to issue fast and Thanksgiving proclamations. At that time there was no possible prohibition upon this course, and the matter aroused no adverse comment. After the adoption of the Federal Constitution, Congress by concurrent resolution requested Washington to issue such a proclamation, further requesting him to ask the Governors of the various States to do likewise, and Washington complied, and also several times

issued similar proclamations at his own instance.¹⁷ Jefferson, the "Father of Religious Liberty in America," however, not merely carefully avoided giving offense to any one by the issuance of sectarian proclamations, but took strong ground against the constitutionality of the issuance of any such proclamations, as violative of the American separation of Church and State, and strongly stated his reasons for refusing to follow the precedents established by his predecessors in the issuance of Thanksgiving Day proclamations, in well-known letters, written in 1808, one being directed to R. S. Miller on January 23d, 1808.¹⁸

It is interesting to observe that in a severe protest against a sectarian Thanksgiving Day proclamation issued by Gov. Chase, of Ohio, in 1856, Rev. Dr. I. M. Wise in the columns of the *Israelite* independently reached the same conclusion, and gave vigorous expression to his views.

These sectarian Thanksgiving Day proclamations have an additional interest from the fact that they are frequently referred to as evidencing the alleged "Christian" character of the American Government, and many examples of this sort are collected in Mr. Morris' book, above cited. In considering these papers, it is well to remember the very vigorous language employed by Jeremiah S. Black, a former Attorney-General of the United States and Chief Justice of Pennsylvania, who well said, in the course of an address delivered in 1856 on "Religious Liberty:"

"If he (an educated man) misunderstands the relations existing between the Church and the State he cannot possibly understand his own relations to either, and the chances are that he will be unfaithful to both."¹⁹

It is interesting to observe that the Supreme Court of the United States has held that the authority to issue fast-day

¹⁷ Morris "Christian Life and Character of the Civil Institutions of the United States," p. 544.

¹⁸ Ford's "Works of Thomas Jefferson," Vol. IX, p. 174.

¹⁹ "Essays and Speeches of Jeremiah S. Black," p. 151.

proclamations and the like has been vested in the State's executive for the very reason that there is no acknowledged ecclesiastical authority over the various denominations. In writing for that Court early in 1860 Justice Grier said:²⁰

"The proclamation of the Governor is but a recommendation. It has not the force of law, nor was it so intended. The duties of fasting and prayer are voluntary, and not of compulsion, and holiday is a privilege, not a duty. In almost every State in the Union, a day of thanksgiving is appointed in the fall of the year by the Governor, because there is no ecclesiastical authority which would be acknowledged by the various denominations. It is an excellent custom, but it binds no man's conscience or requires him to abstain from labor. Nor is it necessary to a literal compliance with the recommended fast day that all labor should cease, and the day be observed as a Sabbath or as a holiday."

Apparently the earliest of these protests runs back to 1812, when Governor Middleton, of South Carolina, stirred up the Jews of Charleston by sectarian utterances. The following account of this incident is found in *The Occident*, Vol. I, p. 434:

In March, 1812 His Excellency Governor Middleton, set apart a day of thanksgiving, calling upon all Christian denominations to have service in their respective churches. This proclamation was viewed with great displeasure by the members of the congregation, who considered it an indignity offered to the whole Jewish nation. The congregation addressed the Governor upon this subject and pointed out that portion of his proclamation, in which he called upon Christian ministers only, having passed over the Hebrew congregation whose members and consequence in society constituted them no unimportant portion of the community. The Governor, in his reply "hoped that the members in the congregation would not think him capable of excluding any portion of his fellow-citizens from a participation in the religious observance of the day recommended by him as a day of public thanksgiving. It was an oversight and thus unintentionally the mistake occurred. He hoped the respectable members of the Hebrew congregation would acquit him of any intentional slight, and consent to unite with the other religious societies in the State in a devotional act

²⁰ Richardson *vs.* Goddard, 23 Howard, 28.

that would assuredly be most acceptable, to the Almighty. He should learn with great satisfaction that the Hebrew congregation had determined to observe Wednesday next as a day of humiliation, religious reflection and prayer, and requested that this wish might be made known to every member of the congregation."

(Signed) HENRY MIDDLETON.

In accordance with the expressed wishes of the Governor, the congregation on the day appointed assembled for divine worship in the Synagogue, after which an "excellent discourse was pronounced by Mr. Myer Moses."

In 1844, Governor Hammond, of South Carolina, issued a Thanksgiving Day proclamation which was the occasion for a vigorous protest from the Jews of Charleston, and his answer was so far from giving satisfaction that an indignation meeting was held. The proceedings are reported at length in *The Occident* (Vol. II, pp. 496-510).

In 1848 Governor Johnson, of Pennsylvania, gave offense by a similar proclamation. Joseph L. Moses issued a vigorous protest, and the Governor wrote a letter in reply, regretting his phraseology.²¹

In 1855, Governor Clark, of New York, by similar blunder, stirred up Robert Lyon, editor of *The Asmonean* (Vol. 13, No. 3) to vigorous protest in his issue of November 2nd, 1855, and in his issue of November 23d, 1855, he reprinted Senator Johnson's able report on Sunday Mails, taken from *Niles' Register*, January 24th, 1829. The issue of *The Asmonean* of December 6th, 1855, also refers to a letter on the same subject from "An American Israelite," which appeared in the *New York Express* of December 6th, 1855.

Governor Chase's Thanksgiving Day proclamation of November 14th, 1856, gave rise not merely to the editorials in *The Israelite* from the pen of Dr. Wise, already referred to, but some correspondence also between Rev. Dr. M. Lilienthal and Governor Chase, set forth as an appendix hereto (B).

²¹ *The Occident*, Vol. VI, pp. 403, 563.

The Thanksgiving Day proclamation of Governor Geary, of Pennsylvania, of November, 1868, provoked a strong written protest from all the Hebrew ministers of Philadelphia, including Dr. A. S. Bettelheim, M. Cohen, Dr. M. Jastrow, S. Morais, G. Pape, Dr. S. Hirsch and J. Frankel, and may be found in *The Occident*, Vol. 26, page 425 (1868).

APPENDIX "A."

CURSORY REMARKS ON MEN & MANNERS IN GEORGIA

BY A CITIZEN, 1874.

(Cong. Library F. 290 C. 97). Pp. 18-27.

"There is one other transaction of the last Court which I must take the liberty of saying a few words upon: I shall, I expect, be anticipated in being supposed to allude to the case between an Indian and a Jew. God forbid I should feel, or be suspected of recommending, the most distant enmity on a religious score against either of these people; I mean to regulate my observations by the rules of policy, as the affair respects the publick, and by the eternal laws of justice and truth, as it concerns the parties themselves. It seems a half-breed man, descended of a white father (who is also supposed to be of the race of Jacob) and a free Indian mother, had brought a suit against a full-blooded Jew; the Jew, ever upon the watch, took an exception against the right of the plaintiff to sue. There was really something so peculiarly droll in a contest about privilege between two men of this description in a Christian country, that when I first heard of it, I could not help repeating a very vulgar saying of the pot to the kettle; however, the matter being referred to the Court, two against one decided in favor of the Israelite, and the poor Creekite was ordered to impare until he could prove *red* was *white*. This naturally led me to inquire what were the rights of a free Indian and what were those of a Jew in this state. As it appeared to be at least a diverting speculation, I devoted some time to the inquiry, and, if the reader feels the same curiosity I did, he will not grudge a few minutes extraordinary in perusing their respective claims. And now to the point: By the common law of the land the Indian seems to me to enjoy every privilege which the Jew does; and by the local Constitutions, or acts of Assembly, he certainly enjoys several which the Jew does not. To elucidate the former part of this position, it will be necessary to show in what

light these people respectively stood, and to consider whether there was any discrimination between them in England at the time our country was colonized from that kingdom, for I conceive that to be the common law of this land (indeed our Legislature hath declared so) which was the law at the time our charter is dated, to wit, on the 9th day of June, 1732. When a free people (say the writers on this head) migrate to a new soil, with intent to settle the same, they carry with them as their birthright all the laws of their mother-country then in force, at least so much thereof as may be applicable to their own situation and the condition of an infant colony. This being acknowledged as a postulatum, let us now see what that law was.

“ Judge Blackstone in his commentaries (Vol. I. p. 452) speaking of the protection granted in England even to Negroes who run away from their masters in America, thus expresses himself: ‘The law of England acts upon general and extensive principles—it gives liberty rightly understood, that is, protection, to a Jew, a Turk or a Heathen, as well as to those who profess the true religion of Christ.’ So that we see the Jew stands upon a level with the African slave who deserts the employment of his master. (??) Now surely we will not suppose a free Indian to be in a situation worse than a man of this description, but rather in a better; and by so much as his situation is better than that of the Negro, in the same ratio does he, from the words of Mr. Blackstone, rise above the Jew. The only difficulty with me is, whether we ought not to consider the Indians within our state, and who are the aborigines of the soil, rather in the light of citizens than aliens. There is no moral obstacle to such a determination in respect to these peoples as there is to the Jews who are not at present considered as citizens in any part of the world but by the special favour and operation of some particular law.

“ And this carries me to the second part of my position, viz. a view of the local Constitutions or acts of Assembly in favour of the Indians. These will be found to countenance very much the idea of citizenship which I have before advanced. An act passed 25th March 1765, in the first clause, expressly secures every right and privilege to the Indians in amity with us, which they ever enjoyed. In the 13th and 14th sections of the same law it is clearly implied that, in the opinion of the then Legislature these people were at all times and upon all occasions, to be esteemed as being precisely upon the same footing with Mulatoes of Meztizoes (or Jews or Turks) actually naturalized by a special act of Assembly. And it is well known that Indians and the descend-

ants of Indian women have, in a variety of instances, both under the present and former governments, had grants of land to them and their heirs, which is of itself conclusive evidence they were acknowledged to be citizens. But even should we admit they were not citizens they certainly are entitled to the rights of free aliens. What those rights are no man who has ever read Wood's Institutes or turned over Jacob's Law Dictionary, can be ignorant of; but I shall make no comments, nor detain the reader further than whilst I transcribe one or two passages out of one or two very common books: 'An alien may bring an action concerning personal property, and may make a will and dispose of his personal estate: This is to be understood of alien friends only, or such whose countries are in peace with ours' I Black. 372. Here we see, if the Indians are merely in peace it is sufficient; but they are more, they are actually in alliance with us, and therefore a judicial opinion incapacitating them from the right of suit is neither law or justice. 'All personal actions he (an alien) may sue as on a bond, so likewise for words, for the common law, according to the law of nations, protects trade and traffick; and not to have the benefit of the law in such cases is to deny trade.' Yelv. 198, Moore, 431. 'An alien enemy commorant (or tarrying) in England by the King's license and under his protection may maintain actions of debt upon bond although he come not with safe conduct' Lord Raymond 282. Here we see, if the Indians were actually at war with us, yet, by the common law of England (which we have adopted as the law of our land) if we permit any one of them to tarry among us, he is not disabled from bringing suit, even against a *Christian citizen*. But I shall now quit my Creek friend, and proceed to consider the case of the Jews, a people whose increase in any country is at once a compliment and a reflection upon it; a compliment upon its natural advantages, but an implied censure upon its moral system or administration of government. An ancient writer observes, the Jews always insinuate themselves most into favour among those nations who remain in darkness and in the shadows of death. I shall not waste my own time or trespass more on the reader's patience, in demonstrating whether these people ought to be tolerated in a republick or in a monarchy. In truth, the Jews nowadays enter very little into politicks further than to favour that system which is most promotive of their pecuniary interests, the principle of lucre being the life and soul of all their actions. If indeed they have any choice as to governments, it must be in favour of a monarchy for there are no people so wedded to their old institutions as the

Jews, and we all know that, from the earliest accounts, they have been accustomed to an arbitrary, though not always to an hereditary government. At first the fathers of families, and the eldest sons after them, exercised unlimited power, both civil and ecclesiastical, as kings and priests over the rest; they had authority to bless, curse, cast out, disinherit or punish with death, as they thought proper, in their own houses. In Moses' time the civil jurisdiction came to be severed from the ecclesiastical, but with no abatement of power or rigour in either; for whilst Moses and after him Joshua, were absolute leaders, Aaron and his posterity were high priests, more arbitrary than subsequent popes. After these came judges who, when once elected into office, were as despotick as dictators; and the sanhedrin, who filled up the chasm between judge and judge, had also very great powers conferred on them. The whole concluded in a monarchy, beginning with Saul and continuing until the Captivity. They were after that event for a long time bandied about under the Persian monarchs, and the ten captains of Alexander the Great. At length the sceptre was entirely removed from the House of Judah, and came to be vested in King Herod, who was of a branch no ways descended from the *holy stock*. At what particular time they came into England is not ascertained; however, they certainly were there in the time of William the Conqueror, for we find in history that that monarch, for a large sum of money, granted the Jews the privilege of living in a certain part of England *as his mere vassals, their persons and goods to be considered as his alone, and they were to dispose of neither without his license*. They continued in such situation, with the addition of some few privileges, never as citizens; but according to Molloy (Vol. II, pages 293 and 294) '*as most absolute bond slaves and exquisite villains, obliged to wear a badge and tablet on their outmost garments, as well females as males to distinguish them from Christians, and not privileged to sue but by special license of the king*' until their insolence, oppressions and usury, notwithstanding all these restraints, had risen to such a height as to become a grievance to the nation. Then it was that Edward I in the 18th year of his reign, at the earnest solicitation of his Commons, published an édit in Parliament for the total and absolute banishment of all Jews from every part of his dominions, and if, after a limited time, any of them was found within the same, they were to be hanged. The accounts of these times tell us, they had proceeded so far in their superstitious wickedness that it became a custom among them on a Good Friday, to steal a Christian child, and

privately to crucify him in derision of his religion. From that time the Jews stood banished the dominions of England until the great civil war in the reign of Charles I. During the confusions of that period, they, by some means or other, with the help of long purses, found an opportunity of re-introducing themselves; they remained however, extremely limited in their privileges up to the time our charter was granted; nay, it was not until the commencement of the present century that they were admitted to the common privilege of benefit of clergy in any case whatever (See Foster's *Crown Law*, 306).

“ Thus I have travelled with the Jews through a wilderness of history from the time of their patriarchs down to the settlement of Georgia; if I have been particular or lengthy, the reader will excuse it when he reflects it was necessary to show in what light the Jews stood in England when our first settlers emigrated from that country, in order to ascertain the privileges they are now entitled to in Georgia; for I do not know that a single law has ever been passed by our own Legislature in their favour, either before or since the Revolution. As to the 56th article of our Constitution, it says no more for them than it does for the Bramins of China, or the Mussulman of Turkey, *they shall have the free exercise of their religion, provided it be not repugnant to the peace and safety of the state.* Whether this proviso applied to the Jews, does not abrogate the preceding words, I refer to the opinion of others; at all events, there is nothing in it that promises them any more than a mere religious privilege; not a word in the whole clause by the most forced construction can be made to signify a grant of any civil right whatever. I am aware these people have hitherto laid great stress on the statutes of 13th and 20th Geo. II and 2d Geo. III, which makes two years' service in a military capacity, or seven years constant residence in America, naturalization in any Jew; but a moment's reflection will convince us these statutes are rather against the Jews than for them, as matters now stand; they evidently imply and prove that, by the common or other laws of force, previous to the 13th Geo. II, there was some moral obstacle in the way of a Jew's acquiring the rights of citizenship in America which could only be removed by the authority of Parliament. Now, this being admitted, the only question will be whether these statutes are of force in Georgia or not. This is a question that turns upon the same hinge that the Stamp Act, the Tea Act and all the other acts which we declared unconstitutional did; the criterion was not the expediency of these laws, but the right in the makers to bind us by

them. The people of Georgia ceased to be represented in the British Parliament in the 5th year of the reign of George II when they migrated to this new soil; then, surely, upon the very principles of our Revolution, it cannot be considered as of force here without having been adopted by our Legislature; that never having been done, the conclusion in the breast of every Revolutionist inevitably is that the Jews in Georgia stood upon the same footing as they did in England in the year 1732; what that footing was I have already shewn to be that of aliens, who never can become citizens but by the aid of Legislature. Instead, every man knows that at this day no Jew becomes a citizen in England but by virtue of a special act of Parliament for naturalizing him. There is scarcely a session but several of these laws pass, which are said to cost, one way or other, near 500 L. each. The terms of naturalization even amount to this, that the Jew shall renounce his error and turn Christian, which he is obliged to evidence by taking the sacrament as required by stat. 7th James I. There was, in the 26th year of George II, an attempt made and an act actually passed, for dispensing with the test of the sacrament in respect to Jews, before they were naturalized, but the clamours of the people rose so high that the Parliament were compelled, after a very few months' trial, to repeal this law, and leave the Jews where they were before.

“ And having said so much against the Jews it may probably be suspected I am not only an enemy, but that I wish to stir up a spirit of intolerance against that dispersed and unhappy people. Let me tell the reader I am as far removed from being a votary or friend to persecution as any man upon earth. Had the Jews in this State but conducted themselves with common modesty and decorum, I should have been the last person to point out their disabilities; on the contrary, I should have been happy to give my voice for settling every just and reasonable privilege upon them, or even to have gone farther, and permitted them to enjoy by *curtesy* some which it would be impossible to concede of *right* in a Christian country. But when we see these people eternally obtruding themselves as volunteers upon every public occasion, one day assuming the lead at an election, the next taking upon them to direct the police of the town, and the third daring to pass as jurors upon the life and death of a free man, what are we to expect but to have Christianity enacted into a capital heresy, the synagogue become the established church, and the mildness of the New Testament compelled to give place to the rigour and severity of the Old? The most distant apprehension of which

evils is sufficient to rouse any man into action who values either his civil or religious liberty.

“ It may possibly be said that no people can be blamed for pushing their pretensions as far as they are permitted, that it is in the nature of man to thirst after privilege and pre-eminence as much as it is after money, and that therefore it is not to the Jews but to our Christian officers we ought to impute the blame. All this I will in some measure grant, but, at the same time, desire leave to remind these people they stand exceedingly in their own light, when they venture so far under the auspices of any one man, especially an officer whose office, and in all probability whose consequence, will expire with the year.

“ The Jews are a race of men well acquainted with the scorns and persecution of all the rest of the world. Surely, then, it was a most forward, not to say unguarded action, in one of these whose religious situation makes him the most vulnerable man on earth to endeavour to disfranchise an Indian of a privilege which he himself held by the slender tenure of goodwill; indeed if we believe Mr. Adair, in his History of the Indians, we might go farther and call it a most *injudaic* action, for that writing strongly insists the Creek Indians and the Jews are very nearly allied; he hazards a conjecture that the former are really and truly one of the Tribes of Jacob, who came, by some means or other, to be lost in the wilds of America.

“ I cannot take my leave of the Jews without saying a word more as a tribute to Justice, and I do more than this when I acknowledge there is one whole family (and perhaps to these might be added two or three other individuals) whose long residence, upright demeanor, and inoffensive conduct in this state have always claimed, and now procure for them the countenance and esteem of every honest Christian; the only badge I ever wish to see any of this house or their connections (especially the females who are by far the largest part) wear, is what they have always carried, ‘the approbation of the good.’ It is remarkable that in the bitterest moods against this singular people, there should always be a remnant to be saved.”

II.

From the *Georgia Gazette*, Thursday, January 13th, 1785.

Mr. Printer,

A Pamphlet having lately with much industry circulated about this town, under cover of the Night, entitled *Cursory Remarks on Men and Measures in Georgia*, shows that the author has been at

a great deal of trouble to collect and put together the sufferings and persecutions of the Jews in those days of ignorance and superstition; this has given him an opportunity to show his hatred to those people in nine pages of this masterly piece of learning and wit. The little countenance it has met with from the public in general must long ere this have convinced him that he might have employed his time to some better purpose. He subscribes himself a Citizen, this leads me to inquire what the Jew particularly alluded to in that masterly piece has done that he should not also be entitled to the rights of citizenship. Did he get his property removed from the reach of the enemy, and then cause it to be brought back within the enemy's lines? or did he ever implore Sir Henry Clinton, or any other of the enemy's Generals, although near two years their prisoner, to obtain for him his Britannick Majesty's most gracious pardon? or was he even, during the war, ordered by American officers to be put into irons, and sent to headquarters for treasonable practices against the States? or did he not, as became a faithful citizen, discharge the several trusts reposed in him? If he did, why so much spleen, and so much pains taken to put him, and the rest of his profession in this State, on the same footing of an African that deserts his Master's services? But, should there be any such characters as above described in Georgia, I leave to the Whigs to judge what they merit from their injured country.

A REAL CITIZEN.

B.

The Israelite. (Vol. III, No. 19, November 14, 1856.)

Editorial. Page 148.

A Proclamation of the Governor of Ohio—Liberalism and Puritanism. We were not a little surprised to read the following extraordinary proclamation signed by the Hon. S. P. Chase, Governor of Ohio:—

“Proclamation by the Governor of Ohio.”

In conformity with a custom sanctioned by Legislative Resolves, commended by the practice of my predecessors in the Executive office and in itself highly becoming a Christian people, I, Salmon P. Chase, Governor of the State of Ohio, do designate and appoint Thursday, the 20th day of November of the current year to be observed as a day of Public Thanksgiving to Almighty God.

Refraining on that day from the ordinary avocations of life, let us keep the feast with joyful hearts. Assembling in our respective places of public worship, or gathering around our domestic altars let us devoutly acknowledge God as the Gracious Author of every blessing and every benefit. Let us gratefully thank Him for our prosperity and our security, for our institutions of Education, Religion and Charity; for the products of our Agriculture and of our Arts; for the intercourse of Commerce; for the Preservation of Health; for homes endeared by sweet family affections; for the mercies of Redemption and for the hopes of Immortality: Adoring the Divine Wisdom by which our fathers were guided in establishing the foundations of United Empire in North America, upon the solid basis of civil and religious freedom and the Divine Goodness by which the Institutions of Government which they have bounded have been transmitted to us their children, let us give thanks for liberty guarded by law and defended by Union. Confessing, humbly our unworthiness of these inestimable benefits let us fervently invoke our Father in Heaven, to continue them graciously to us, and to our posterity forever. Nor let us forget in our rejoicings or in our supplications, our fellow-men, less happy than ourselves—of our abundance let us give liberally to those who need, nor let us fail to present, before the throne of Infinite Justice, our sincere prayers for the downfall of tyranny, for the deliverance of the oppressed, for the enfranchisement of the enslaved, and for the establishment everywhere of human rights and just governments. Invigorated by enjoyments and aspirations like these, we shall return, it may be hoped, to the ordinary pursuits of life, with hearts more than ever engaged to the performance of every private and every public duty, and more than ever devoted to the advancement of the best interests of our State, our country and our race.

Given under my hand and the Great Seal of the State of Ohio at Columbus, this 28th day of October, 1856.

By the Governor: S. P. CHASE.

J. H. BAKER, Secretary of State."

This document would sound pretty illiberal in the mouth of a puritan priest of the last century; but as emanating from the pen of the liberal and republican Governor of Ohio who associates in politics with deists, infidels and even atheists—it sounds not only ridiculous but even offensive to the ears of honest men, and unjust to the intelligent class of people. Besides a puritan-reli-

gious state paper being in itself something ridiculous, this document as emanating from the Hon. Salmon P. Chase and directed to a community among which a large number of deists, infidels and atheists are the most zealous supporters of the Governor, and their foremost leaders having been the constant concomitants of the Governor, during the last political campaign, is particularly ridiculous, smelling strongly of hypocrisy. But this is none of our business, we do not wish to moralize his excellency. We in the first place take exception to two passages in the proclamation.

The Governor addresses himself to a Christian people but he ought to know, that the people of Ohio are neither Christian, nor Jewish, they are free and independent people; he should have known that among the free and independent people of Ohio, there are many thousands of respectable and industrious men, who contribute largely to the rapid progress of this commonwealth and nevertheless are no Christians, they do not believe in that individual of Nazareth, called Christ, according to whom the Governor designates the people of Ohio.

Next, the Governor desires us to thank God "for the mercies of redemption and for the hopes of immortality." Fall upon your knees, ye Jews, deists, infidels and atheists, and thank God that Jesus of Nazareth died on the cross, to redeem the people of Ohio! so his excellency, the Governor decrees. Sir, we do not appreciate this sort of fictitious redemption. The feast of Passover, when Israel was redeemed from Egyptian bondage, and the fourth of July when this land was redeemed from English supremacy, are the only days when we thank God for the mercies of redemption, and these are the only events which redeemed us from the bondage of barbary and monarchy; but the mercies of redemption, for which to thank God, you admonish piously a Christian people, cannot be addressed to us; hence it is sectional and unbecoming the chief magistrate of Ohio.

On the whole, we do not see by what right the Governor of Ohio assumes the prerogative of exercising a religious authority. This is, to say the least, unrepudiate and inconsistent to the constitution of this State. The Governor says, it is a custom, sanctioned by Legislative resolves, commended by practice. We should like to know whether or not the practice, custom or usage of the Governors exercising a religious authority is against the letter of the constitution, in which the duties and prerogatives of the Governor are distinctly prescribed. Any assumption of power not prescribed in this document is a violation of the compact between

the Governor and the people, whatever usage, custom, or practice might have been heretofore. There is a written contract in existence between the Governor and the people, which excludes all customs. If the people of Ohio had wished to invest the Governor with this prerogative, it would be mentioned in the constitution. A wrong or an error committed by predecessors is no excuse for any man occupying so high a position. Even the "Legislative Resolves" are a very poor excuse, for the constitution of Ohio grants to no legislative body the power to legislate on religious subjects, and if the appointment of a day of thanksgiving to God is not classified under the head of religious subjects, we should like to know to what category it belongs.

The Governor of the State of Ohio or of any other State of this Union could in his eminent piety only ADVISE the people (not the Christians only) to observe as a day of public thanksgiving, November 20th; but the words "I designate and appoint," and his attempt to show his right to exercise this ecclesiastical prerogative, are altogether in the wrong place, and make the whole document read like a bull of a Pope of the middle ages.

As long as things of this kind are not offensive, they are passed over with profound silence, every man thinks of it what he chooses. But if it partakes of an offensive and sectarian spirit as the present document does, it becomes the right of every free man to review its merits and expose its demerits; so we have done.

In conclusion, however, we must say in justice to the Governor that we do not believe this document to have been examined closely by him. He considered it immaterial and unimportant, and cared little what his secretary wrote. So do we care little about the whole matter. We merely dislike to see sectarian views grafted on the people.

The Israelite. (Vol. 3, No. 20, Nov. 21st, 1856, p. 154.)

THANKSGIVING DAY AND THE GOVERNOR'S PROCLAMATION.

The Rev. Dr. Lilienthal, without our knowledge addressed the following letter to the Governor of Ohio, and received the annexed reply:—

Cincinnati, Nov. 9, 1856.

Your Excellency,

The Israelite of this city felt grieved, when reading the proclamation you issued for the celebration of the next Thanksgiving

Day, being addressed but to the Christian community and not calling on members of any other denominations.

I argued with them that a man, like your Excellency, the champion of the most liberal principles, could not possibly intend to wound the feelings of my brethren; but that you use the term "Christian" in the sense of civilization, in which it is commonly, though very improperly and unjustly, used in many an official document.

Moved by the highest personal regard, and wishing to prevent any ill feeling on the part of my brethren, I beg you, most respectfully to address me, as soon as possible, a few lines, stating your correct views on this subject in order that it may not be too late to make the necessary preparations for the appointed day.

With sentiments of the highest consideration,

Your obedient servant,

RABBI DR. LILIENTHAL.

His Excellency,

S. P. Chase, Governor of Ohio.

Columbus, Nov. 16, 1856.

Dear Sir:—

Your note of the 11th only reached me last night. It so happened that on the day it was written, I went to Cincinnati, and did not return until yesterday.

You do me no more than justice in supposing me incapable of an intention to wound the sensibilities of any portion of the People of Ohio, by the terms of my proclamation for thanksgiving, and I regret to learn that my constantly avowed opinions and uniform actions on the side of religious as well as civil liberty and equality, of which the Israelites of Cincinnati have had some proofs, have not protected me from suspicion of it.

The reference to the established custom, in conformity with which I issued the proclamation, as becoming a Christian People was certainly not designated to convey any offensive implication. On the contrary the designation, immediately afterwards of a public Thanksgiving and the invitations "let us keep the feast," etc., were intended to summon to its celebration, all, however divided by religious beliefs who concur in acknowledging God as the author of all good.

I look for the coming of a day when the icy barriers, created between brethren of the same great family, by religious differences, will dissolve and disappear under the fervid rays of truth.

Meantime, I shall not cease to cherish myself, or recommend to others, the spirit of a sentiment once uttered by me at one of your own festivals:²²

“Our creeds are many; our Father is One.”

With great respect, I remain,

Very Truly Yours,

S. P. CHASE.

Rabbi Dr. Lilienthal.

The correspondence before us can be considered a private matter and no more. We do not even know that we have a right to publish the Governor's reply and do so only on the responsibility of our esteemed colleague. A state paper, however, is a public and official document filed on the historical records of the State, and becomes part of our history; hence the insult offered, in such a document, to any portion of the community, cannot be eradicated by private letters. We know and fully appreciate the liberal sentiments of the Hon. S. P. Chase, but in this case, we have nothing to do with him; the Governor of Ohio stands accused:

1. Of having exercised a prerogative not granted to him by the constitution; if he bases his presumed right upon the tacit consent, we tell him that a large portion of the community are dissatisfied with his exercising an undue authority.

2. Of having issued a sectarian proclamation, unbecoming the chief magistrate of the freest state of the union.

Private letters and speeches are of no consequence whatever in this respect; hence we shall not even go to the trouble of replying to the above. Whatever the Governor has to say in his defence must be stated in a second proclamation issued from the same department, over the same seal, published in the same papers and filed on the same records.

But if his excellency do not consider the matter worth considering to defend his course before the community, we consider it our duty to have this matter closely investigated; because we consider the exercise of an unconstitutional authority dangerous to a democratic community. We are heartily tired of protesting every year against those illiberal and unconstitutional proclamations, we want to have the matter tried before the proper authorities whether or not the Governor of this or any other State of the Union has a right to issue an illiberal and sectarian proclamation with the seal of the Government attached; whether or not any Governor is permitted to exercise an authority based on tacit

²² Dinner at the opening of Zion College.—EDITOR.

consent or usage or his supposition of highly becoming a Christian people; whether or not even the legislature of this or any other State of the Union, dare "designate and appoint," a day of religious observance, on which to thank God for the mercies of redemption "and confess humbly our unworthiness of these inestimable benefits."

The Hon. S. P. Chase, notwithstanding his acknowledged wisdom and patriotism, is no less liable to errors than an ordinary mortal. If so, let him confess it in the proper way, or let us have the question tried by the proper authorities."

ARE THERE TRACES OF THE TEN LOST TRIBES IN OHIO?

BY DAVID PHILIPSON.

The mysterious has been clothed always with that glamour of fascination that makes it especially attractive to adventurous seekers. The known, men take for granted, the unknown charms while it mystifies and attracts while it eludes. From the very beginning of time daring spirits have been engaged in the quest for the distant and unknown. To paraphrase the poet's line, "'tis mystery lends enchantment to the view." Greek legend embodied this universal longing in the myths of the golden fleece, the apples of the Hesperides, the islands of the setting sun. Folklore symbolized it in the striking conception of the pot of gold at the rainbow's end. The mediæval alchemist wrought night and day to discover the secret of the composition of the precious metals and many a deluded votary consumed his life's energy in the search for the philosopher's stone. Balzac, the greatest of the French novelists, has given striking expression to this trait in his powerful tale "The Quest of the Absolute." We touch the wonder-inspiring, the unknown, the mysterious at every point; the larger the circle of man's knowledge, at the more points does he come in contact with the unexplained and the possibly inexplicable, and the more humbly does he recognize the insight of the dictum of the sage of Chelsea that man is a dot in the center of immensities and the conflux of eternities. Well then, since the unknown touches us behind and before and envelopes us on every side, there is little cause for surprise that voyages on this surrounding sea should be taken constantly by eager navigators; little wonder too that aside from the great and general mystery of the All which engages the attention of the highest class of intellect there should ever have been some special enigmas of a

concrete character the attempted solution of which constitutes strange chapters in mankind's life on this planet.

Among these concrete enigmas none has exercised a greater fascination upon a certain order of minds than that involved in the question, what became of the ten so-called lost tribes of Israel? Many and wondrous have been the tales either concocted or told in good faith by travelers and other writers. I cannot stop to mention the various theories that have been advanced; in Asia, Africa, Southeastern Europe, England, and America the descendants of the ten tribes have been located by traveler, imposter, theorist, or fantast. Notably has their identification with the North American Indians been one of the most widely accepted solutions of the self-imposed enigma, and even to-day there are not lacking those who defend this theory, particularly in view of the supposedly striking similarities between the customs of the ancient Israelites and the Indians as enumerated most recently by Garrick Mallory in his "Israelite and Indian, a Parallel in Planes of Culture" although Mallory himself does not subscribe to the theory that the Indians were the descendants of the tribes. However the Indian theory did not exhaust the American contribution to the identification of the tribes. Students of the archæology of North America have written much of that primitive race which occupied the continent before the advent of the North American Indian, and which from the character of its remains, is known as "the Mound Builders." Who they were and whence they came are still unsettled questions; but there have not been wanting answers to these questions, and among these answers we find the claim that they were the tribes of Israel who wandered from their original habitat to this continent. Among the most striking remains of these primitive inhabitants are mounds situated in the territory of the present State of Ohio. A strange incident connected with the great stone mound in Licking County near the town of Newark and basing upon the belief that the mound builders were the lost tribes, forms the subject of this paper.

In June, 1860, David Wyrick, of Newark, Ohio, a printer by trade who dabbled in ancient languages and was much interested in the remains of the mound builders, found about one mile southwest of Newark, Ohio, in one of the circular artificial depressions common among the ancient earthworks preserved in Licking County, a wedge-shaped stone not quite six inches long and measuring three inches in its widest part. It tapered at the small end, which end itself was a flattened surface about half an inch in diameter. A handle rested on the head of the wedge at the other end. On each of the four sides was a Hebrew inscription; these inscriptions were readily deciphered as being the phrases: מלך הארץ: King of the earth; דבר יהוה: the Law of the Lord; תורה יהוה: the Word of the Lord, and קדש קדשים: Holy of Holies. The letters were all very clear but, as students were not slow in discerning, they were not at all of an archæological character, nor did the stone itself have the appearance of antiquity. In the following November Wyrick made a much more important "find." In his "Native Races of America" Bancroft quotes the description given him by his father, A. A. Bancroft, of how the "find" was made. Wyrick took a number of workmen and excavated in the great stone mound. Presently there was unearthed a stone casket eighteen inches long and twelve inches wide. This casket upon being opened was found to contain a slab six and seven-eighth inches long, one and five-eighth inches thick, and two and seven-eighth inches wide. On one side of the stone was a carved human figure, very fierce and pugnacious looking, in turban and priestly robes. This figure stood out in relief from the surface of the stone. Above the figure the word מושה, the name of the great Jewish lawgiver was inscribed; so evidently this was intended to be a presentation of Moses. Above this name was an arching circular border which ran down both sides of the image to its feet. At the bottom of the stone was a round handle attached to the stone at both ends while in the middle was an empty space

through which, as was suggested, a strap was intended to be passed wherewith the stone was to be carried. Every available bit of space with the exception of the handle was carved with Hebrew characters, which were found to be the reproduction of the Ten Commandments although not altogether complete. Thus a scrutiny of the tablet resulted in the discovery that the two longest commandments, the second and the fourth, were given in abbreviated form. Of the second commandment only the phrases "Thou shalt have no other gods before me. Thou shalt not make unto thee any graven image nor any Thou shalt not bow down to them nor serve them." Merely a fragment of the fourth commandment was inscribed. "Remember the Sabbath day to keep it holy. Six days and thou shalt do all thy work." Of the other commandments, the first, sixth, seventh, eighth, ninth, and tenth were given complete. Only the first half of the third, viz.: "Thou shalt not take the name of the Lord thy God in vain," and the opening sentence of the fifth: "Honor thy father and thy mother" were reproduced. The letters were peculiarly shaped and not at all like the letters on the wedge-shaped stone that had been found in the preceding July. At first blush they appeared to be of great antiquity. Wyrick published a small pamphlet entitled, "A representation of the two stones with the characters inscribed on them that were found by D. Wyrick during the summer of 1860, near Newark, Ohio." This pamphlet contained facsimiles of the inscriptions and a description of the "discovery." Since this pamphlet has become very rare, it may be well to reproduce here that portion of the author's statement bearing directly on the subject:

This stone was found on the first day of November, 1861, in company with five others, while examining the condition and character of a bed of fire-clay that was found to be beneath a portion of this great stone mound after it had been mostly removed for protection purposes to the banks of the canal and reservoir.

In the first place, in removing this stone pile, which was said to have been from forty to fifty feet high, rising from a base whose diameter is 182 feet, some of the work-hands came to a

mound of pure clay, of which, they say there was or is quite a number situated just within the periphery of this stone base, entirely around it, and all covered up from view by this enormous stone stack. But in this one, while digging out some very suitable flat stone for protection, and that seemed to be imbedded in this clay, they found something like the shell of an old log, on which lay seven copper rings with the appearance of some extremely coarse cloth. This was shown to several and talked of for some days, when another person was induced by curiosity to make some further examinations. He removed the old shell, and in doing so, found that it appeared to be the cover to another piece of timber resembling a large wooden trough. In this he also found some of the apparent coarse cloth. Indeed he says that it appeared to him as if the whole interior of the trough had been lined with this material, but was so rotten as to utterly prevent securing a piece as large as his thumb-nail. He also found within this trough or log, a parcel of human bones, a locket of very fine black hair about six or eight inches long, and ten of those copper rings, identical with those found upon the covering or the lid. He then covered it all over again, taking with him, however, the rings, as probably auriferous, and saying but little about the matter. The place remained at rest for several years, when, in July last (1860), I happened to see a piece of the wooden structure and four of the rings, and learning that the piece of timber in which they were found was still in the earth, under the prospects of procuring an ancient sarcophagus, not Egyptian, not Phoenician, but American, I repaired to the place with some work-hands and sacrilegiously took it up. From the appearance of the place, I stated that it had been laid in a concave basin made of impervious clay purposely to receive it. This was thought by some to be rather doubtful from the cursory examination I had made, and that a more thorough examination would show otherwise.

Determined, therefore, to know the true condition of the place, I resolved to make the examination satisfactorily the very first time I should be at the place with men and tools sufficient to do so. Time rolled away from July until the first day of November before I met with an opportunity to put my threat into execution. The place had become filled up again by the natural tumbling down of the loose stone and the running over it by the cattle, etc., so that it took three of us working hard from early in the morning to nearly three o'clock in the afternoon to reach the clay bed with a sufficient removal of the detritus to effect the examination

desired. When the matter in controversy had been settled by finding things as I had reported, one of the party (Dr. Nicol), proposed ascertaining the thickness of the clay strata, and accordingly dug a hole into it. This showed it to be a bed of very tough fire-clay of the color of putty, that had, from all appearances, never been disturbed since the day it was put there. It appeared to be a strata of about two feet in thickness, and from near the under surface, imbedded in the clay, was taken the stone box (a representation of which as to size and shape is given on the last page of this pamphlet) whilst digging in the hole thus made in the clay, in which was encased an inscribed stone of a black color, and as is shown by the following four cuts of the four sides of it with the characters on each side, the English of which appears to be an abridgment of the Ten Commandments.

The discovery created intense excitement far and near and the "Holy Stones of Newark" as they were called aroused unusual attention in the archæological and the religious world. Those who believed with Wyrick that the mound builders were the descendants of the tribes, saw in these recovered stones the positive proof of the correctness of their theory. Dr. Nicol, the Episcopalian minister of Newark, declared them to be genuine. The particular Jewish interest aside from the subject matter itself lies in the verdict passed by Jewish ministers and scholars of note at that time. However before dwelling on this let me finish the story of the finds in order to give a rounded narrative. Besides the two stones already mentioned there was found in 1865, a small rough sandstone in a mound about three miles east of Newark. This was a representation of a human head cut off close to the body. It was hardly an inch and a half long; five Hebrew letters were cut in the forehead. The last three letters were plainly נפָל ; the first two letters were not clear. They were separated from one another and from the last three by a mark which may have been a comma or only a stroke of separation. In the same mound from which this stone was taken there was found another stone of peculiar shape. On one side of this stone was an upright human figure without head covering. At the bottom of the figure was inscribed what appeared to be an

inverted ψ . On the reverse of the stone another human figure was carved. At the bottom of this figure were also carved several Hebrew letters, but they were not clearly distinguishable. On the third side was a figure that had the semblance of an animal and in addition certain lines that may have been intended to be letters.

These four relics constitute the celebrated Holy Stones of Newark. The most important was of course, the largest of the four with the figure of Moses and the Ten Commandments, which came to be called the Moses or the Commandment Stone. Although many of the letters resembled no known Hebrew script, although further the same letter was given two, three, and sometimes more forms, although the words were occasionally separated in an unintelligible manner, the finds were accepted for the most part in good faith and even though some who acknowledged their genuineness were not ready to go the length of Wyrick in his claim that they proved the Israelitish origin of the Mound Builders yet they confessed themselves mystified and unable to explain the presence in the Ohio mounds of these survivals of antiquity. A certain Rev. M. R. Miller, a Christian missionary working among the Jews, secured the loan of the stones and took them with him to Cincinnati, where he submitted them for examination to the two rabbis, Drs. Lilienthal and Illowy. Mr. Miller wrote a long account of the stones, which was published in the "Occident." (XXIV, 65-77, 107-115; see also XXV, 526-529.) He quotes Dr. Lilienthal as declaring one of the stones to be "the strangest thing he had ever seen" and as expressing the opinion that the "Moses" stone was the oldest of all because its letters were different from the letters of all the other stones and very unlike the Hebrew alphabet as now known. Dr. Illowy seems to have expended much effort in the deciphering of the inscriptions on the other three stones and suggested a number of ingenious interpretations. Our honored and learned fellow-worker, now the Nestor of the American Rabbinate, Dr. B. Felsenthal, sent a detailed account of the finds to

Dr. Abraham Geiger, who published the communications in his "Jüdische Zeitschrift für Wissenschaft und Leben." It is interesting to note Felsenthal's statement "since the supposition that these are forgeries is scarcely admissible, it is worth the while of investigators for scientific reasons to devote attention to the interpretation of these stones." Geiger, after careful examination of the photographs of the inscriptions, came to the conclusion that "they were the bungling work of an unskilled stone mason and the strangeness of some letters as well as the many mistakes and transpositions was his fault. The letters are not antique. This is not a relic of hoary antiquity nor is it of historical critical value for the Decalogue. I am unable to determine when and for what purpose this work of religious hocus-pocus was produced."

It is of little interest to produce now and here the many suggestions in the numerous publications which the discoveries called forth. There was scarcely another, who, like Geiger doubted their genuineness. The interest they attracted was world-wide. However the "holy stones" have long since been declared by all archæologists of fair standing to have been a fraud perpetrated by Wyrick to substantiate the truth of the theory which he supported with fanatical zeal, that the primitive inhabitants of the North American continent were the offspring of the tribes that had constituted the northern kingdom of ancient Israel. The bubble burst after his death. When his office was cleaned up bits of slate were found with attempts at carving Hebrew characters upon them, as well as a Hebrew Bible and a copy of the wood cut of Moses chiseled afterwards on the stone. The mystery was now explained and it became clear why the Hebrew letters were so bungled. Wyrick himself had manufactured the relics, had hidden them in the mound and had had them, notably the Moses stone, dug up in the presence of reliable and unimpeachable witnesses. The whole proceeding became very evident and the "holy stones" passed into the category of archæological frauds. In the light of this discovery of the implements wherewith Wyrick manu-

factured the relic, the closing paragraph of his aforementioned pamphlet is extremely interesting. He discounts the possibility of a forgery but his very words disclose how the forgery was perpetrated. These words are: "Would it not require a very profound scholar in Hebrew to make such an abridgment of the Hebrew decalogue with foreign characters as is made above? Better by far than any we have ever known to have been with us, excepting the clergy, and of these we would not dare presume that any one knowing the Hebrew would ever think of being guilty of so presumptuous an act. Bacon's arrant school boy, borrowing a Hebrew Bible, even in Ohio, of some minister and whittling on stones into gin bottles forever with all the jackknives in Christendom could produce (even in Ohio) such an outrage or piece of scholarship."

Wyrick sold the stones to David M. Johnson of Coshocton, in whose possession they still are. There is a plaster cast of the "Commandment Stone" in the Smithsonian Institution at Washington.

There are still those who believe at this day in Wyrick's integrity and the genuineness of the "Moses Stone." Through the kindness of my friend, Mr. Frederick W. Hinkle, of this city, my attention has been called to a very recent production—an article entitled "The Black Hand" in the Ohio Archæological and Historical Society Publications for 1904. On a cliff above the Licking river was discernible in former days, a large black hand. The rock in which it was engraved became known as Black Hand Rock. A number of legends arose to account for the presence of this semblance of the human hand chiseled in stone. Besides the legends there were also theories offered to explain the meaning of the image. One of these theories is given in the article just mentioned, by R. E. Chambers, M. D., who evidently regards as genuine the Moses stone, and constructs upon it his theory of the significance of the Black Hand. After describing Wyrick's find at some length, he comes to the gist of his own theory which he gives in these words:

This hand pointed to the mound that contained the last rabbi who ministered at the altar. Doubtless when his work was done his followers gave a burial that went to show their love and esteem, in the mound they raised over his remains and the tablet that was as a guide to their faith, and then put the hand on the rock, pointing to the place of his burial. (Ohio Arch. and Hist. Society Publications, 1904, p. 425.)

I fear that we cannot give much credence to Dr. Chambers' theory of the Black Hand, building as he does, upon what competent authorities declare to have been an arrant and vulgar forgery. When Wyrick's "discovery" was recognized as a bungling fraud, there was shattered what the eccentric printer of Newark and others pointed to as a striking and convincing proof that traces of the lost tribes had been found.

On equally unsound if not equally intentionally fraudulent bases rest the many theories concerning the later fortunes of the ten tribes. The unquestionable truth of the matter is that the ten tribes were never lost in the traditional sense; as such they are nowhere; they must have amalgamated with the population of the land of Assyria into which they were carried as exiles. It is probable too that many of them joined their brethren of the remaining two tribes and became merged with them; possible too, it is, that detached companies may have wandered far and settling in distant parts have become those isolated Jewish settlements in Abyssinia, India, and China, that have attracted the attention of travelers and students.

In conclusion the question is pertinent; if ingenuity is to expend itself in the solution of a mystery in Israel's history wherefore have hundreds of seekers busied themselves with so fantastic an inquiry when right before them and with them is a mystery far greater, viz., the continuance of the Jew for ages in their very midst despite persecution, oppression, torture, and misery. Not the fate of the Ten Tribes is the enigma but the marvelous story of the Jew in the world; verily this is one of the mysteries of history, one of the riddles of the ages.

JEWISH BEGINNINGS IN MICHIGAN BEFORE 1850.
BEING SOME NOTES ON RESIDENTS OF THE VERY EARLY DAYS,
SEVERAL BIOGRAPHICAL NOTICES OF MORE NOTABLE CITI-
ZENS BETWEEN 1840 AND 1850, AND AN ACCOUNT OF THE
BEGINNINGS OF THE IMMIGRATION OF ABOUT THAT TIME.

BY HON. DAVID E. HEINEMAN.

EARLIEST RESIDENTS.

It has always been assumed by those who claim to remember or know the beginnings of things Jewish in Michigan that the first Jews to set foot upon the soil of that state arrived about the middle of the nineteenth century. This assumption grew out of the fact that the immigrants who came to the state about that time were unaware of any remote or immediate predecessors. The published directories of the time would seem to bear them out. In the first directory of Detroit, published in 1837, containing about 1080 names, there is not a single one that can be safely claimed as that of a Jew. In the next one, published in 1845, there are but two such names,¹ while the directory of 1850, despite the large increase in population reveals no more than three business firms and in addition thereto less than a half dozen individual names.²

In a state whose history, commencing with the advent of the first Europeans, falls within the seventeenth century and in a

¹ Solomon Bendit and Moses Rindskopf.

² S. and H. Bendit & Co., dry goods; Silberman & Hersch, cigar manufacturers; S. Freedman & Brothers, dry goods; Alex. Grunwald, clothier; Joseph Grunwald, Leopold Rappenk(h?)eimer, fancy goods; F. E. Cohen, portrait painter; Solomon Cohen, pedlar.

city within a score of years as old as Philadelphia, one might surely expect some earlier indication of Jewish names and Jewish activities. So at least it has seemed to the writer and accordingly, as the result not of any special research in the matter but of mere occasional notation in reading and conversation, a few data are here presented which dissipate the alleged blank in Michigan Jewish history, and suggest the possibility of finding much more material. What little is here presented, if it have no other value, may at least claim to be in its entirety the first turning of an hitherto unbroken soil.

The beginnings of Michigan deal with the explorer, the missionary, and the trader, who found in the waterways of the Great Lakes the readiest entrance into the heart of the new world. Along these waterways convenient stations soon came to be established, not by the explorer or missionary, but by the trader who typified in crude but sturdy fashion the ancient union of commerce and civilization. Among such places on the Great Lakes none was more important than Michilimackinac, the Mackinac of our day, and in connection with this post, mention is to be found long prior to 1850 of several Jewish persons.

The first one is Ezekiel Solomon in 1763. From several circumstances it will scarcely be doubted that this person was a Jew and if so, he is the earliest Jewish resident of Michigan to whom reference has been found by the writer. He is referred to several times in the General Haldimand manuscripts in the Dominion Archives at Ottawa.³ There was at Mackinac at about this time a sort of general store, a semi-official monopoly, probably designed to protect established and reputable dealers against the incursions of irresponsible and migratory competitors and in later years against political uncertainty. There were some thirty-two individuals and

³ Many of these MSS. have been printed in the collections of the Michigan Pioneer and Historical Society. References are here given to the archive numbers and also to the Michigan Society's publications.

firms listed as such proprietors, “the number of canoes each person has put in, their supposed value and the present residence of each proprietor.” Ezekiel Solomon is put down in this undated list⁴ for one canoe with goods valued at 15,000, ostensibly French livres. His residence is given as Montreal; he appears, however, in various contemporary manuscripts as resident at Mackinac from 1763 up to 1816, so it may fairly be claimed that after fifty-three years in Michigan, he had abjured the place of residence given in the undated document. He is also mentioned in a permit from Quebec allowing him to trade in powder and ball as a member of the firm of Grant & Solomon.⁵

The name of Levy Solomons of Montreal is well known as that of a merchant dealing extensively at Mackinac at about this time,⁶ and it is not impossible that further research may disclose this Ezekiel Solomon to be connected with him by kinship, by commercial ventures, or both. Frequent reference is also found in the manuscripts of the Dominion Archives to one William Solomons who acted as official interpreter to the English officials at Mackinac and vicinity and whose name appears frequently in that capacity as late as 1816.

The most striking incident in the history at Mackinac is unquestionably the massacre of the British garrison by the Indians on June 2, 1763. This attack it will be remembered was only one link in the chain of conspiracy whereby all the English post garrisons from Mackinac to the eastern end of Lake Erie were to be annihilated at one stroke. It will also be recalled how at Detroit the subterfuge devised by the Indians contemplated a formal parley within the post stockade where at a signal from Pontiac the Indian warriors were to bring into action the abbreviated muskets which were hidden

⁴ Dominion Archives [B. 97-2, p. 577], Michigan Pioneer and Historical Collections, Vol. IX, p. 658.

⁵ Dominion Archives [B. 97-1, p. 34], Michigan Pioneer and Historical Collections, Vol. X, p. 288.

⁶ V. Article “Canada,” Jewish Encyclopædia, Vol. III, p. 525.

beneath their blankets. At Mackinac the scheme was to engage in a game of ball, at an exciting stage of which, the ball was to be tossed, presumably by accident, within the fort, whither the warriors were to rush after it only to seize the hatchets and other weapons which the squaws were waiting to provide them with. At Detroit the plot was foiled; at Mackinac it succeeded. Among the traders who witnessed this massacre at Mackinac and among the few Englishmen, military, or civilian, who escaped with their lives even if without their liberty or property, was Ezekiel Solomon. This appears from his own affidavit, taken at Montreal for use before the military court of inquiry held by Major Gladwin at Detroit. It reads as follows:⁷

I, Ezekiel Solomon, Resident in the Fort of Michilimackinac at the time it was surprized by the Savages, declare that on the 2d day of June a Frenchman, Mons. Cote, entered my House several Times and carried from thence several Parcels of Goods, my Property. And also an Indian named Sanpear carried the Poultry from my House to the House of Amiable Deniviere in whose Garret I was then concealed. I owed Monsr Ariek a sum of money, but at the time He demanded it the payment was not become due, and I refused to pay Him till the Time contracted for; but he told me if I did not pay it he would take it by force: I told him, the Commanding Officer would prevent that, & he replied that the Commanding Officer was nothing and that he Himself was Commanding Officer. Sworn, &c., 14th Aug., 1763, before me.

Danl. Disney, Town Major.

The jurat to this affidavit is significant. The affidavit is only one of several taken on the date given and the day preceding before the same officer and intended as evidence before the same court. The jurats to the others read as follows: "Sworn before me on the Holy Evangelist," but the jurat attached to

⁷ From the Gladwin MSS., lately recovered by Hon. Charles Moore of Detroit, and first printed in Michigan Pioneer and Historical Collections, Vol. XXVII. Mr. Moore has presented a copy to the library of our society. The affidavit is on p. 667.

that of Ezekiel Solomon, ostensibly a consistent Jew, simply says, "Sworn, etc." and says nothing further about the Holy Evangelist.⁸

The long residence of Solomon at Mackinac, his membership in the general store, and the issuance to him of the permit to trade in powder and shot, would all indicate that he was a character of good repute. Another item shows him on the side of good morals. Two petitions, one of 1778, the other later, of French Catholics living at Mackinac, addressed to the governor of Canada, and praying that a missionary be sent to the island as in the French days, are found among the manuscripts at Ottawa. The religious offices to be rendered by such a personage are given a secondary place in these petitions; the missionary's function as a sort of moral policeman is the argument which the petitioners emphasize. The name of Solomon is naturally not found upon either of these petitions, but on a later list of persons who volunteer contributions for the missionary's support, both his name and that of his sometime partner, Grant, appear for 50 livres each.⁹ Their names are quite at the end of the list, which is headed by the large contributors among the French of the Catholic faith, followed by a long array to whose increasing modesty of donation the sums set down by Solomon and Grant comprise a formidable rear guard. In those days a post without a missionary was as lacking in local pride as a later settlement without a town hall or a volunteer fire department.

The latest reference to Solomon indicates that on the cession of Mackinac to the Americans after the War of 1812, he with-

⁸ Ezekiel Solomon's escape from this massacre is also attested by the account of the trader Alexander Henry, who describes the terrible trials of himself and the other survivors. He states that Solomon was taken to Montreal by the Ottowas and ransomed. ["Travels and Adventures in Canada," by Alexander Henry, New York, 1809, p. 105.]

⁹ Dominion Archives [B. 97-1, p. 34], Michigan Pioneer and Historical Collections, Vol. X, p. 290.

drew with the English to the new English settlement at Drummond's Island. Two lots appear to have been granted to Mr. Solomon in 1816, both designated as "occupied."¹⁰ Descendants of Solomon still live in the vicinity of Drummond's Island at St. Joseph Island,¹¹ but the writer is unable to say if there abides with them any information beyond the tradition of their descent.

If Ezekiel Solomon thus becomes of interest to us as a resident Jewish trader who was a witness and a survivor of the massacre at Mackinac, a somewhat later resident of the same place demands our interest to a much greater extent. The publications of this Society have seldom failed to enlarge upon the prominence and activity of the Franks family of Montreal, and it will not be at all surprising to the members of this Society to find one of that family an early resident of Michigan and prominently identified with the beginnings of the Northwest. Jacob Franks was a resident of Mackinac during the war of 1812, and was in the Northwest at an earlier date. From the data here presented the inference is a fair one that he is Jacob Franks, Sr., the father of Jacob Franks, Jr., a noted trader and explorer in the Hudson Bay region.¹² The Jacob Franks in question was a pioneer of notable enterprise; he is spoken of in the Wisconsin Historical Collections, from which most of the facts here presented concerning him are collected, as an English Jew who arrived at Green Bay in 1794, to open a trading post for his Montreal employers.¹³ He early obtained a large grant of land from the Indians at this point, and evidently made up his mind to permanently settle. His sister married a man by the name of Lawe and their son, John Lawe, was in 1814 of sufficient age to serve as a lieutenant with the English forces that defended Mackinac

¹⁰ Dominion Archives Michigan Pioneer and Historical Collections [C. 515, p. 86], Vol. XVI, p. 479.

¹¹ Capp's Annals of Sault Ste. Marie [St. Ste. Marie, Can., 1904], p. 96.

¹² V. article "Canada," Jewish Encyclopædia, Vol. III, p. 525.

¹³ Wisconsin Historical Collections, Vol. XV, p. 3.

against the ill-starred venture of Colonel Holmes and the American forces. An early wayfarer, one Captain Anderson, who came to know and value Jacob Franks as a friend, refers to them both as "an English gentleman, Jacob Franks and his nephew, John Lawe, Jews extensively embarked in the fur trade here."¹⁴ John Lawe became a prominent figure in Wisconsin pioneer life and among other services of note, was judge of Brown county.¹⁵

Before Jacob Franks retired to Mackinac during the War of 1812, he figures as a trader and person of prominence. He took active steps to develop his tract of land. The first saw mill and the first grist mill operated in Wisconsin were due to his enterprise.¹⁶ In the year 1806, he with one other sent to Mackinac not less than ten thousand pounds of deer tallow.¹⁷ Either his business interests or the troubles of 1812 seemed to have taken him to Mackinac. His name appears as one of thirteen signers describing themselves as "Magistrates, merchants, traders, and principal inhabitants of Michilimackinac and St. Josephs," to a petition to the Governor of Canada commanding Captain Robert Livingstone lately wounded in the War of 1812.¹⁸ In 1814, he with three others are appointed to inventory the two schooners "Scorpion" and "Tigress" captured from the United States and brought to Mackinac.¹⁹

When the British after the War of 1812 withdrew from Mackinac, Franks suffered the penalty of his loyalty, as appears from a letter of complaint dated October second, 1815, written by the British Lieutenant McDonall, from the new

¹⁴ Wisconsin Historical Collections, Vol. IX, p. 145.

¹⁵ For a brief account of his life, v. *ibid.*, Vol. III, p. 250.

¹⁶ *Ibid.*, Vol. III, pp. 252-3.

¹⁷ *Ibid.*, Vol. III, p. 255.

¹⁸ Dominion Archives [C. 258, p. 126], Michigan Pioneer and Historical Collections, Vol. XVI, p. 172.

¹⁹ Dominion Archives [Q. 128-2, p. 506], Michigan Pioneer and Historical Collections, Vol. XXV, p. 610.

settlement at Drummond's Island.²⁰ "I have also reason to believe" he writes, "that unusual harshness has been shewn to every individual attached to or in any way connected with the British Government and their property in several instances, wantonly pillaged that the house of Mr. Franks and another of Dr. Mitchell's have been broken open and sustained much damage." Franks was allotted a building plot in the new English post at Drummond's Island in 1816, but it appears marked in the list as "not occupied." Nevertheless he is referred to in a report of a government agent in 1811, being credited with 12,130.18 livres for supplies furnished at St. Joseph.²¹ The new post failed utterly as a competitor to Mackinac and there appears no further mention of Franks in connection with it. It would not be amiss if some investigator of the Jewish beginnings in Wisconsin would take up further the subject of this enterprising settler of Green Bay and his nephew, Judge Lawe. In concluding the mention of Jacob Franks and the references to him in the Canadian Archives, it may not be too great a digression to call the attention of those members of the Society who have looked up the history of David Franks, of Philadelphia, to the fact that there are a number of interesting unprinted manuscript letters from Franks to the British Commanders among the documents at Ottawa. A letter from one William Plumstead to Colonel (afterwards General) Bouquet, dated at Philadelphia, February, 25, 1760, announces the appointment of himself and David Franks as agents for the army contractors. It is not unlikely that the stores which Major Gladwin was so eager to convey to Detroit in 1763, before Pontiac should have closed

²⁰ Dominion Archives [C. 673, p. 230], Michigan Pioneer and Historical Collections, Vol. XVI, p. 307.

²¹ Dominion Archives [C. 257, p. 39]. Jacob Franks' name also appears in a MS. Census of Mackinac, now in the Detroit Public Library at Detroit. It is dated Feb. 9, 1811, and shows him as head of a household answering for four persons between 16 and 26 years of age, and four between 26 and 45, all males.

in upon him were purveyed by Franks. He undoubtedly supplied Fort Pitt and other northwestern posts.

Another reference to a Jewish trader at Mackinac is to be found in Alexander Henry's account when he mentions the fact that after the massacre two large canoes of goods arrived at Mackinac consigned to Mr. Levy.²² Among some miscellaneous documents printed in the Michigan Collections is a promissory note dated at "Misilimackinac Aug. 15, 1774," made by J. Levy and Richard McCarty.²³ It would thus seem that the seizure of the goods by the Indians eleven years previously had not discouraged Mr. Levy. The note is for something over 263 pounds (English) with partial payments receipted thereon, a very considerable sum for the time and place.

Here and there, throughout the documents and letters of the periods indicated, references are to be found both among the inhabitants and soldiery at the posts in Michigan to names which may well be those of Jews, but in such matters it need not be said that the investigator must remain on the safe side of conjecture.

* * * * *

EARLIEST DETROIT REFERENCES.

The Detroit records are quite barren of traces of Jews. An inspection of the list of all persons mentioned, including advertisers, in every newspaper printed in Detroit down to 1831, discloses nothing of greater interest than a few items, of which the following one is mentioned, because it happens to combine mention of Mackinac with that of a man by the name of Solomon. In noting the arrival of the steamer Walk In The Water, the pioneer steamer on the Great Lakes, the name of J. Solomon appears as one of ten passengers, under date of June 17, 1820, who express in the columns of the *Gazette* their "satisfaction with arrangements and accommodation."

²² Alexander Henry's Travels, etc., already referred to, p. 109.

²³ Michigan Pioneer and Historical Collections, Vol. VIII, p. 486.

Mr. Solomon and the others, principally U. S. A. officers, were en route to Mackinac.

The records of the Governor and Judges of Michigan Territory disclose no Jewish names unless it be that of Louis Benjamin, who, under date of December 19, 1808, is awarded a lot in the new plat of the city to indemnify him for his loss in the great fire of 1805 which destroyed the city. There is no record of any conveyance from Benjamin. He may possibly have been a Jewish merchant of English descent located at Detroit. The preserved records of the Common Council of Detroit from 1815 to 1840 furnish next to no information at all. One Alex. Cohen humbly emerges from the obscurity of a payroll for grading a street in 1835,²⁴ and there are some few other names not uncommon to Jewish persons, the owners of which may or may not have been Jews.

An early reference, however, to a name quaintly Jewish occurs in the records of the Masonic lodge in Detroit, of which the writer is a member. It claims to be the oldest lodge in the United States outside of New York, having been instituted by the British officers at Detroit in 1764. Under date of November 5, 1798, appears the following entry: "At this meeting a petition from Isaac Moses was read and ordered to lie over to next regular lodge night." On December 3 ensuing, the fact is recorded that "Mr. Moses was duly elected and initiated in the first degree of Masonry."²⁵ Later references in the records show Brother Moses as present and taking part in the work of the lodge and if it may be presumed that he was a Jew, he appears both as the first recorded Jew and Mason in Detroit. In the publications of this Society, mention is made of one Isaac Moses in a list of New York Loyalists whose property was confiscated in 1785.²⁶ As the British

²⁴ *Journal of the Common Council*, 1824-43, p. 344.

²⁵ *Zion News*, organ of Zion Lodge, No. 1, Detroit, Vol. I, No. 7, Nov. 15, 1901.

²⁶ *American Jewish Historical Society*, Vol. X, p. 164.

did not vacate Detroit after Jay's Treaty but remained until 1796, the identity of the names may be more than a coincidence.

The conclusion to be drawn from the foregoing scanty, though authentic, data is that instead of going back only fifty or sixty years, *there was probably no time from the first advent in appreciable numbers of white inhabitants in Michigan when Jewish representation was entirely lacking*, that with the earliest arrival of English traders from Canada, Jewish traders, reputable men, daring pathfinders and pioneers, had their share in the establishment of the posts that clung timidly to the shores of the Great Lakes and upon the edges of the inhospitable forests bordering upon their waters.

* * * * *

BEGINNINGS OF THE IMMIGRATION PRECEDING THE YEAR 1850.

An account of the Jews who came to Michigan in the years immediately succeeding 1850 would be of secondary interest to a society such as this. Such an account would be more proper for a local than a national society; it would deal with the extensive immigration, principally German, of that period, and be made up of long lists of names, birthplaces, and dates of arrival. It would be a recital common at a somewhat earlier date to most of the then Western States telling of the humble beginnings of prosperous merchants, successful professional men, and communal leaders, in largest measure, valuable and valued citizens. The beginnings of congregations would be accurately set down and the memory of man would still suffice to amend the errors due to a neglect of local history. Inasmuch as there has hitherto been a woeful neglect of proper investigation, the writer does not hesitate to enlarge upon the commencement of this immigration and upon a few pioneers therein, all prior to 1850.

THE LEOPOLD AND AUSTRIAN FAMILIES.

We again recur to Mackinac, and in 1845 find at this point members of the Leopold and Austrian families²⁷ which afterwards became prominent as owners of Lake Michigan vessels and merchants in the ports of the Great Lakes. Lewis F. Leopold, his wife, who was a Miss Babette Austrian, and their son of less than a year old, together with his sister Hannah and his brother Samuel, were located at the island in the year mentioned. Samuel F. Leopold soon after his arrival at Mackinac purchased a one-mast sloop, the "Agate," with which he gathered up the product of the different fishing points, becoming the first pioneer at this locality in the fishery business, which since that time has grown to such a great industry. The brothers sent down to Cleveland a thousand barrels of salted fish each season, no insignificant industry for those days. This venture, together with the sale of supplies to fishermen, Indian trading, and the purchase of furs, laid the foundations for an extensive business. Samuel F. Leopold left Mackinac in 1853, joining his brothers, Henry and Aaron, and Julius Austrian, who had married Miss Hannah Leopold in 1849, in their recently undertaken business ventures at La Pointe and Fond du Lac, Wisconsin, where they were among the first white settlers. The town of Bayfield, Wisconsin, was platted shortly thereafter, Marks and Julius Austrian being the preëmptors, and Mrs. Julius Austrian the first white woman resident at that place. The history of these enterprising and prominent families, it will thus be seen, falls properly to Wisconsin, but in addition to what has been mentioned, it should be stated that within a few years after 1850 they had established leading stores in Michigan, at Eagle River, Eagle Harbor, the Cliff Mine, Calumet, and at Hancock, Mr. Joseph Austrian having selected at the latter place the site for its

²⁷ Data obtained through the kindness of our fellow-member, Rev. Dr. Jos. Stolz, from Mrs. Julius Austrian (Hannah Leopold), and other members of the Austrian family.

first store and warehouse. The Leopolds came from Baden where their name was Freudenthaler; the Austrians, whose name originally was Oesterreicher, came from Wittelshofen, Bavaria. As is obvious, the name in each instance was changed purely for convenience.

SKETCH OF EDWARD KANTER.²⁸

There was a young man at Mackinac who in 1846 worked for the parties just mentioned and whose name was Edward Kanter. He had come to Detroit in the fall of 1844 and remained a citizen of Michigan until his death, 52 years later. Always a modest man, he never, in spite of his prominence as a citizen, permitted the publication of his biography and the interesting facts of his career certainly deserve such preservation as the records of this Society afford. They are here set forth for the first time.

Edward Kanter was born in Breslau in 1824. His father was Louis Kanter, a prosperous linen merchant and a member of the Linen Merchants' Guild. His mother was Helena Lasker, a near kinswoman of Edward Lasker, the German Parliamentarian, of whose birthplace she was also a native. Young Kanter graduated from the Breslau Gymnasium, equipped among other things with a knowledge of Greek, Latin, German, English, French, and Hebrew. In later years he was often heard to remark that it was his education above all things which helped him out in emergencies. A wild spirit of adventure seized him early in life with the result that he ran away from home and made his way to Paris where his knowledge of the language obtained him employment in a lawyer's office. Six months later saw him at Havre where, as he was strolling about the wharves, a sudden impulse prompted him to go aboard a vessel bound for New Orleans. He hid behind a coil of rope until well out at sea when he

²⁸ Data supplied mainly by Hon. Henry L. Kanter of Detroit, son of Edward Kanter.

was discovered and at once given a further taste of the rope accompanied by an assortment of curses in several languages. As he was able to turn away wrath with soft answers in all of the respective tongues, it instantly dawned upon the mate at the other end of the rope that he had found a much-needed interpreter for the immigrants of various nations with whom the ship was crowded. The rest of the trip was pleasant sailing for the young stowaway. On arriving at New Orleans, he found himself with but a single shilling which he gave to be changed to one of the sailors on the ship. The sailor did not return and so the lad landed on the soil of America with literally not a single penny in his pocket. Hardly ashore, he was laid low with yellow fever. He was taken care of by a relief committee of Jewish citizens of New Orleans, among them Mr. Isaac Hart, afterwards a resident of Detroit, a gentleman most kindly remembered by Detroiters. Upon his recovery, the same committee set him to peddling cigars until a congenial place was found for him in a drug store. The place was too congenial; he was much given to chemical experiments, reminiscences perhaps of the Breslau Gymnasium. Presently one of the experiments resulted in a bad explosion of the drug store, from the wreck of which the young scientist rushed terrified to the levee. He went aboard the first boat which happened to need a waiter. Because of his excellent penmanship he was soon promoted to the position of clerk and as such he continued to sail up and down the Red River until one day the boat happened to blow up opposite Helena. He swam ashore, worked his way to St. Louis, took a steamer to Pekin, Illinois, and walked thence to Chicago, where he shipped on the steamer Wisconsin until the close of navigation, 1844. He was now only twenty years of age, but had certainly obtained a few lessons in the larger university of life. He spent the winter of 1844 in Detroit. The English he had learned at Breslau had always given him trouble, or more properly speaking, had always given trouble to those to whom he spoke, and so he profited by his stay in Detroit to take some

lessons from Chas. E. Bresler, a Jewish resident of Michigan, originally from the same part of Europe as Kanter. The ensuing spring saw him again on the lakes, this time as clerk of the steamer Illinois. He left this position, however, taking employment the same year at Mackinac as clerk and interpreter for the American Fur Company, the successor to John Jacob Astor's venture. Here again his French and English stood him in good stead. His remarkable faculty for languages revealed itself in the rapidity with which he picked up the Indian tongues. In a short time he had mastered the Huron, Chippewa, and Pottawatomie languages and even in later life could on occasion unconcernedly carry on a fluent conversation in any of them. He visited at this time Duluth and the Apostle Islands and was a passenger on the first trip of the "Julia Palmer," the second boat to be carried on rollers around the Falls at Sault Ste. Marie. In 1846, as has been stated, he worked for the Leopolds and Austrians. The following year he had been placed in charge of a stock of goods at the island by some eastern parties who suddenly decamped without notice to their creditors. When the latter arrived, they were so impressed by the honesty and zeal wherewith young Kanter had guarded their interests that they voluntarily turned the entire stock and store over to him on easy terms of payment, and so in July, 1847, he opened his books with a cash capital of \$200. On these prospects he married a month later the daughter of former State Senator Lyman Granger of the neighboring Bois Blanc Island. He remained at Mackinac until 1852. In that year the late Mr. E. S. Heineman,²⁹

²⁹ Farmer's History of Detroit, Vol. II, p. 1155. The friendship of these two young men, thus meeting on this distant and savage island, was a most natural one. Both had been born in the same year, both had received a superior education in Europe, and both had left homes of comfort and luxury, having been equally unfitted by temperament to endure the political and other conditions then prevailing abroad. Their friendship endured until 1896, being terminated by death, Mr. Kanter surviving his friend only a few days.

father of the writer, recently arrived at Detroit, was sent to Mackinac to be present at the Indian payment. Mr. Kanter and he immediately became warm friends. The Indians had given Mr. Kanter, because of his bustling activity, the name of "Bosh-bish-gay-bish-gon-sen," meaning "Fire Cracker," and Mr. Heineman being somewhat shorter in stature than Mr. Kanter, but of equal activity, was immediately dubbed "Little Firecracker." The red men always had a great liking for Mr. Kanter; they never missed an opportunity to call on him in Detroit or to send greetings to him. The merchants of Detroit in the early 60's were at a loss one day to account for a circle of Indians gravely squatted in front of Mr. Kanter's store on the chief business street, Mr. Kanter making one of the circle, the whole company smoking and maintaining a dense silence, until they were informed that a delegation of chiefs on their way to see the Great Father at Washington would not pass through Detroit without smoking a pipe of peace with "Firecracker."

In 1853 Mr. Kanter visited his parents in Europe. On his return he continued his successful business career. He became the founder of the German-American Bank, of which one of his sons continues at present to be a principal officer. He entered actively into political life at about this time. He was elected to the legislature of 1857, and though not a member of the prevailing party, presented and so persistently drove home a minority report on certain wrongdoings in the State treasury that the matter ended with the guilty party's being sent to prison. He was twice made a candidate for the office of State Treasurer, but being a Democrat, the nomination was against hopeless odds. Mr. Kanter was long and conspicuously connected with the Democratic party organization. In the sixties he was Secretary of the Democratic State Central Committee; he was a delegate to the National Convention that nominated Tilden, for eight years was the member from Michigan of the Democratic National Committee. He was Commissioner from Michigan to the New Orleans

Exposition, a member of the Board of the House of Correction of Detroit, and in general a constant and valuable participant in public affairs. He was Vice-President and Treasurer of Congregation Beth El in Detroit in 1855 and an unfailing contributor towards its needs. He died in June, 1896. Respected by all who knew him, he left a name synonymous with strict integrity.

CHARLES EDWARD BRESLER.

Among the few Jewish residents of Michigan during the period immediately prior to 1850, Charles Edward Bresler, already spoken of in connection with Mr. Kanter, deserves mention as a keen and farsighted business man. Mr. Bresler was born in Cannstadt in 1816 and died at Detroit 82 years later. He must have come to Michigan in the early forties, perhaps even in the thirties, in which latter case he would have been one of the very few Jews in the Lower Peninsula. He made his headquarters in Ypsilanti, where he bought horses which he sent East. He carried on an extensive trade in furs and wool and kept in direct touch with the European business centers. He had spent some six years in London before coming to America, and in the course of his long business career crossed the ocean, according to his own statement, not less than 191 times. His first important success in business was obtained in importing steel pens before others saw the opportunity for large profits therein. His business sense was unusually keen and he acquired a large fortune. In the fifties he bought a large tract of land east of the city of Detroit, afterwards known as the Bresler farm, on which the present villages of St. Clair Heights and Fairview, both destined within a very short time to be incorporated with the city, are located. Mr. Bresler was one of the signers of the articles of incorporation of the first Congregation in Detroit in 1851. He severed his connection with it somewhat later, oddly enough, because of a difference on a business matter with one of the pillars of the church whose conduct he did not approve.

FREDERICK E. COHEN, A PIONEER MICHIGAN ARTIST.³⁰

Among the Jewish names in the Detroit directory of 1850 is that of "F. E. Cohen, Portrait Painter." He was an English Jew, more immediately from Woodstock, Canada, some facts of whose life merit recording here for the first time, for the simple reason that they will soon be asked for. Mr. Cohen was an extremely valuable pioneer in art matters in Michigan. When it is stated that he was the first man to put a brush into the hands of L. T. Ives and that it was as a chore boy in his studio that Robert Hopkin gathered his first notions of painting, the importance of the artist Cohen in the art history of Michigan needs no arguing to Michigan people.³¹ He was far above the best of several portrait painters then in Detroit, and many admirable pictures by him of notable citizens have a local historic significance, which in the course of a very short time will bring them into public collections. At the present moment, an effort is being made to procure as a loan to the Detroit Museum of Art a picture by Cohen of the organizers of the State Agricultural Society, an admirably painted group of portraits of prominent Detroiters of the early forties.³² The fire department of Detroit has at its headquarters an ornately framed though less successful canvas seven

³⁰ Data furnished by Robert Hopkin, the Detroit artist; General Friend Palmer, and members of the Ives family.

³¹ Lewis T. Ives, as the most prominent portrait painter of Michigan, painted most of the portraits of the Governors, U. S. Senators, and Supreme Court Judges now at the State Capitol, the Federal Judges for the Government Building at Detroit, the university portraits at Ann Arbor, and innumerable portraits of prominent citizens. He was one of the founders of the Detroit Museum of Art and an invaluable educator of popular taste in art matters. Robert Hopkin is known, it need not be said, to the art world on both sides of the Atlantic.

³² This picture, owned by Hon. Daniel J. Campau, of Detroit, has just been placed in the museum. A fine portrait by Cohen of Mr. Campau's grandfather, also owned by Mr. Campau, is curious as being done in the style adopted by Mr. Ives.

by five feet in size, painted in 1850, and representing a highly idealized fireman ready to do and die for home and fatherland, a late relic of the volunteer fire department, for whose dress parade purposes Cohen had painted many a company banner. The Wittenagemote Club of Detroit also owns one of his pictures.

He was a handsome, genial, witty, and kindly man, well liked by everybody, considerable of a dandy, cutting quite a figure in his brass-buttoned blue swallow-tail coat, with a high white beaver hat and an inevitable walking stick. He fully kept up his share of conviviality with the young bucks of the town and was withal considerable of a wag. His first appearance in the neighborhood of Detroit was in 1837, during the so-called Patriot War, when he was enlisted in the Canadian Militia. It was not in his nature to take military discipline seriously and he spent a good part of that comic-opera campaign in the jail at Sandwich, just below Detroit on the Canadian side, where he emulated his great predecessor in art, Benvenuto Cellini, by adorning the prison walls with charcoal sketches which for years afterwards delighted casual visitors to the jail and afforded consolation to more permanent ones.

Cohen painted a copy of Rembrandt Peale's noted picture, "The Court of Death," in 1847 when that vast canvas, which now happens to be owned by the Detroit Museum of Art, was exhibited in that city. He was, apart from his portrait work, in great demand as a painter of decorated panels for lake passenger steamers, a species of art work much appreciated by the traveling public of those days. A Western artist of that time was open to commissions for about everything from allegorical canvases to pictorial sign boards for business places. Even portraits were luxuries not always paid for. One of the stories told of Cohen is of his painting the portraits of one Ryan, a mason contractor, and his daughter, who were not satisfied with the work when completed. Payment being refused, the portraits presently appeared hung up in the

corridor of the postoffice, the artist having in the meantime provided the picture of Ryan with a huge pair of asses' ears and that of his daughter with a neatly painted representation of a napkin over the lower half of her face. The portraits were presently paid for to get them out of the way. About 1850 Mr. Cohen married an estimable young woman, who accepted him on the condition that he would never again touch strong drink, to which agreement he rigorously adhered for the brief remainder of his life. About 1855 he removed to Oberlin, Ohio, the residence of his wife's parents. Shortly after he was taken with a fatal seizure while out hunting and was found dead with his dogs beside him. He left a family and has a number of descendants living.

Robert Hopkin, the venerable and distinguished marine painter, has in his Detroit home a life-size bust portrait of Cohen, an admirable work done by Cohen himself. Mr. Hopkin treasures this portrait most highly as indeed he does every memory of the kindly friend and preceptor of his youth. While this portrait will not leave Mr. Hopkin's possession as long as his home is maintained, the writer has reason to believe that it will ultimately find a place in the Detroit Museum of Art.

* * * * *

THE IMMIGRATION JUST PRIOR TO 1850.

The vanguard to the later immigration, as may be gathered from the foregoing sketches, does not take us far in advance of 1850. The early development of the agricultural interests of Michigan suffered for a long time from the bad reputation of the swamp country in the southeastern portion of the State. Indiana, Wisconsin, Illinois, and Iowa profited because of this disparagement and early outstripped Michigan. As the false impression became corrected, settlers poured in and developed the splendid farming regions that lay along the Detroit and Chicago highway. In 1840, Washtenaw County,

the fifth to be organized in the State, in which Ann Arbor and Ypsilanti, a half-dozen miles apart, are located, was the best county in Michigan for farm stock, having a really important output of wool and hides, with which latter product, four inadequate tanneries were kept busy. Washtenaw County was largely settled by Germans; it is largely a German community at present. It was not to Detroit that the first Jewish arrivals of the later immigration were attracted and it was not at Detroit that they settled. The scarcity of Jews in that city between 1840 and 1850 has already been pointed out. It was at Ann Arbor and Ypsilanti that they formed the first little group. Impelled by the motives that prompted almost all of the German-Jewish immigration of this period, the hope of free air to breathe, free soil to stand upon, and free opportunity to achieve, they found among the German farmers of Washtenaw County the language that was theirs and the traditions of their former home, which the harsh treatment of the fatherland could not entirely obliterate. Here they labored, mostly as peddlers, until they could establish themselves as merchants, manufacturers, or craftsmen. The two Jews mentioned in the Detroit directory of 1845 came from this Ann Arbor settlement; most of the few named in the 1850 directory had come from either Ann Arbor or Ypsilanti, while at least half of the ten signers to the Articles of the Detroit Congregation in 1851 had been former residents of the same locality.

Early in the forties, a family of five brothers by the name of Weil had come from Bohemia and formed the nucleus of this colony, as it might be called, of Jews at Ann Arbor.³³

³³ Of some of the members of this community, the following may be noted: The Weil brothers came to Ann Arbor as follows: Solomon in 1843, Moses and wife in 1844, Leopold in 1845, Marcus in 1846, and Jacob in 1848. The last-named is the only survivor and now lives at Newark, N. J. The writer is indebted to his kindness and remarkable memory for much of what is here set forth. They came from the village of Ckyn, in Bohemia, as did Judah Sittig, who came to Ann Arbor about 1845. Leopold Weil

Their home became a sort of headquarters for all of the way-faring Jews.³⁴ Here the humblest peddler always found a hospitable welcome. The brothers were quite orthodox in their religious observances, maintained a Kosher household, and conducted the first Minyanim which were held in Michigan.³⁵ For the rites which followed the birth of Solomon Weil's eldest son in 1848, an officiating functionary was brought all the way from one of the Lake Erie cities, and it is

and Sittig at first attempted farming in Lima Township near Ann Arbor, but gave it up after a year, the familiarity of the savage beasts of the forest, added to the utter wildness of the locality, being too much for them. Moses Weil, together with one Woodel, another Bohemian Jew of this community, had the same experience and result in South Lyons Township, just north of the county line. Charles, Henry, and Emanuel Lederer arrived at Ann Arbor from the same locality in Bohemia in 1847. They remained about two years, finally locating at Lansing, where they established a tannery, soap factory, and general store. Charles Fantle, also a Bohemian, came to Ann Arbor in 1848. Charles, Adolph, and Louis Bresler, with their father, Leo Bresler, Moses Rindskopf, Solomon Bendit, David Weidenfeld and brother, Adam Hersch, Isaac Altman, Simon Sloman, a dry goods dealer named Hayman, Fantes brothers, one Feder, were all members of this Ann Arbor-Ypsilanti community before 1850. Guiterman Brothers, Solomon Sondheim, Goodkind, are names, which, with quite a few others, fall in this group but probably just beyond 1850 and hence not within the scope of this article.

³⁴ The traditions indicate that the occasional "round-ups" of these young men were accompanied by an unlimited amount of fun, seasoned with a pardonable amount of deviltry.

³⁵ The first were held, on the Sabbath and Holidays, according to the statement of Mr. Jacob Weil, in 1845, in what is known as Lower Town in Ann Arbor, in a house jointly occupied by Leopold Weil and his brother-in-law, Judah Sittig. Later they gathered at the home of Leopold and Moses on Washington Street or at that of Solomon and Marcus on Huron Street. After the parents arrived in 1850, services were uniformly held at their home, a brick house on Washington Street, near their tannery.

The burial ground at Ann Arbor was acquired in 1848 or 1849, probably on contract; the deed which contains an entirely incorrect description was not procured until later.

said that when in 1850, the parents of these brothers were sent for, the father at their request purchased a *Sefer Thorah* in Prague and piously bore the Law in his arms all the way to Ann Arbor. All of the five Weil brothers married and raised large families, many of the members of which have attained prominence in their respective communities.

The Washtenaw County immigrants were from Bohemia, Hungary, Silesia, and Bavaria. They were at the outset in part and became later more largely interrelated by marriage. A few years preceding 1850, a few Jews here and there settled along the line of the Michigan Central Railroad which was being gradually extended to Lake Michigan.³⁶ Jackson,

³⁶ Mannes Israel, a native of Pyrmont, Germany, located at Kalamazoo about 1846, and pursued a career which has made the name both of Israel and of Israelite respected there. The name of his son Edward appears on the roll of honor of our country. This young man left the University of Michigan to go as mathematician and astronomer to the Greeley Polar Expedition. The White North claimed his life. Mr. Emil Friedman, of Burgkundstadt, Bavaria, was also an early settler, probably before 1850, at Kalamazoo.

At Marshall, Samuel and Marx Hart, natives of South Germany, were located about 1848. At Adrian were Solomon and Andrew Freedman, afterwards members of the Detroit community. A few were at Jackson before 1850: Lang and Hirsch and perhaps Joseph Hanau.

At Grand Rapids, the second city of the State, there is no hint of a Jewish resident until 1852, when Julius Houseman, afterwards a prominent citizen and member of Congress, arrived. Such is the statement to the writer, of Mr. Joseph Houseman, the last surviving Jewish pioneer of that city.

Local research might add a name or so to the above cited and other cities. It is to be hoped that some effort will be made in the cities having Jewish communities to gather their early records before it is too late.

The dearth of Jewish population in Detroit until just before 1850 has been sufficiently indicated. The name of Marcus Cohen, who came in 1849, deserves to be singled out as a pioneer in religious observances. He conducted services from the time he reached

Marshall, Kalamazoo, and other places before 1850 had one or more, in no instance more than a mere handful, of Jewish inhabitants. Similarly here and there in the Upper Peninsula a detached Jewish resident might be found. As Detroit about this time was rapidly growing, most of the Washtenaw County residents and many from these other places were attracted thither and made up the first Jewish community of that city. The Jewish immigration redoubled for the next few years like the wheat grains on the Sultan's chess board so that within a very short time after 1850, the first arrivals had ample company. Whatever else remains to be said becomes the legitimate material for local records, for congregational histories and for the historians of the several cities and counties.

Detroit and performed all the duties then devolving on a rabbi. It was largely his earnestness and example which inspired the formation of the congregation and his influence which brought his friend, Rev. Samuel Marcus, to Detroit as rabbi. (V. obituary letter in Detroit *Free Press*, July 11, 1880, signed "M. B.," written by the late Magnus Butzel.)

“OLD MORDECAI”—THE FOUNDER OF THE CITY OF MONTGOMERY.

BY RABBI A. J. MESSING, JR.

The only source of our information concerning this extraordinary character is Col. Albert James Pickett, the celebrated author of the “History of Alabama.” On the 30th of September, 1847, Pickett visited the aged Mordecai at his home in Dudleyville, Tallapoosa County, Ala., and notes of the personal interview which followed between the venerable pioneer and the indefatigable historian are still preserved in Pickett’s own handwriting in the Department of Archives and History of the State of Alabama.

These notes, which have not as yet been published, evidently form the basis of the two accounts of Mordecai which Pickett has published; first, the elaborate biographical sketch which appeared in the *Montgomery Flag and Advertiser* of October 5, 1847, and secondly, the brief scattered references in the “History of Alabama.”¹

Strange to relate, these two accounts, while agreeing in the main, as to the man’s achievements in the world, give a totally different estimate of his moral character. In the newspaper article Mordecai appears as a most attractive personality, intelligent, pious, frugal, self-denying; looking with pride upon the record of a glorious past, “with eyes of deep hazel hue which ever and anon would sparkle like diamonds at the mention of old occurrences;” a nonagenarian held in such universal esteem that the people of the village vie with each

¹ Cf. “History of Alabama,” by Albert James Pickett. The Webb Book Co., Birmingham, Ala., 1900, pp. 83, 106, 384, 421, 424, 469, 470, 587.

other in smoothing the pillow of his declining years. In the "History," however, he is presented as a "queer fellow," "a dark-eyed Jew," "of amorous disposition," living among border ruffians and carrying on intrigues with Indian squaws in the most approved "border style," despite the fact that he is married himself, his faithful spouse being an "Indian considerably darkened with the blood of Ham."

It is difficult indeed to reconcile these totally divergent estimates of Mordecai, which Pickett has left to us, particularly when we remember that the historian entered upon his sacred task with these noble words: "Believing that the historian ought to be the most conscientious of men, writing as he does not only for the present age but for posterity, I have endeavored to divest myself of all prejudices and to speak the truth in all cases."²

The original *Flag and Advertiser* article was reprinted in the Montgomery *Evening Times* of January 21, 1904, and although the allegations in the "History" were easily accessible, elicited the following editorial:³

The sketch in yesterday's *Evening Times* of the founder of Montgomery in the person of "Old Mordecai," the noble Jew, must have provoked sentiments of tender feelings in the minds of those who read it.

Aside from its value as a literary production from the pen of Alabama's famous historian, Albert James Pickett, the article appeals to us for the unique and remarkable claims it forges on our regardful pride in the primæval past.

No class of our citizens have a better defined right to share in the pride and glory of Montgomery than those of whose faith this pioneer builder of remote times was an honored and useful type.

Cities, like republics, too often become ungrateful, and in the mad whirl and rush of revolution and change are prone to forget the claims that bind them to men and memories.

The neglect reproachfully bestowed upon this long-forgotten name is evidenced in the fact that out of a population of 50,000

² Cf. History of Alabama, Preface, p. 9.

³ Cf. *Montgomery Evening Times*, January 22, 1904.

people who shape the civic destiny that had its origin in the efforts of this pioneer Montgomerian, there are probably not one hundred, who prior to *The Times*’ publication of yesterday could confess to a knowledge of the fact that “Old Mordecai” ever existed.

In retribution for the sin of oblivion to which this hallowed name has been doomed by those who have followed in the path he blazed in the wilderness, why not, in the spirit of service, and in pride of the work whose foundations his hands securely laid, erect on Court, our most beautiful square, a monument to the name and memory of “Old Mordecai,” the founder of this city—the cradle rocker of Montgomery’s infancy?

The biography of “Old Mordecai,” as it appeared in the *Flag and Advertiser* of October 5, 1847, is here reproduced in full:

In the outskirts of Dudleyville, in the county of Tallapoosa, at the foot of a hill, are three solitary Indian huts. In one of these mouldering monuments of the red race, I found a man of another age. It was eight o’clock in the morning. He was busily engaged in preparing his homely meal. With a benignant smile he invited me to a seat. He lived entirely alone.

Beside his bed was a coffin, made for him by deserters several years ago. Upon this singular household appendage reposed an old Bible, from the pages of which he was accustomed to derive consolation and the assurance of eternal life hereafter. Several old trunks, two or three chairs, and a table, together with numerous bottles suspended by strings around the walls, completed the entire furniture of the cabin.

The old man was of low stature, round, and compactly built, his limbs and body being admirably knit together. While his head bore the emblems of age as to color, it was nevertheless covered with a profusion of hair. His forehead was well formed his mouth large and expressive, his eyes of a deep hazel hue, which ever and anon would sparkle like diamonds at the mention of old occurrences.

Before partaking of his meal, now hastily prepared, he stood beside the table and in a most devout manner repeated a feeling grace, blessing his Maker for the long preservation of his life and the comforts then spread before him.

Supplied by the kind citizens of Dudleyville with the necessaries of life, this man of years and former enterprise, is living on the

lands of an old Indian countryman, whom he has known for the last sixty years. The solitude of the place, the rude and comfortless cabin in which he dwells from choice, the coffin upon the floor, the dress and appearance of the ancient inmate, his piety and resignation to immediate death, all were calculated to impress the visitor with singular emotions.

This venerable personage is familiarly known in that region as "Old Mordecai."⁴ While drawing upon a memory most retentive of early incidents in Alabama, some items of his own life were casually elicited during the discourse.

He was born in Pennsylvania the 24th October, 1755. His father was a Jew and his mother was of German blood. Although now ninety-two years of age, his mind is unimpaired and he walks without difficulty to the village. He has pursued a variety of occupations during a long life, the first was that of a butcher. He served three years in the ranks of the American army during the Revolution, and was present at most of the engagements in Delaware and New Jersey.

In 1783 he settled among the Cusseta Indians at a place called Buzzard Roost, on Flint River, in the present State of Georgia, and there became a trader of Indian merchandise. About this time James Seagrove was appointed Indian agent, and resided at St. Mary's. Unlike his worthy successor Colonel Hawkins, Seagrove never visited the nation in Alabama, but transacted his business through agents. Mordecai being a man of agreeable manners, of adventurous spirit, bold and active, was often selected to bear talks to the distant tribes. He was generally accompanied by Timothy Barnard, whose father had been a colonel in the British service. The names of Barnard and Mordecai are frequently to be met with in the American state papers (Indian affairs) in reference to these very expeditions. On one occasion, sixty years ago, Mordecai penetrated to the heart of the Chickasaw Nation on a mission of peace, and passed by the falls of the Black Warrior where no Indians lived at that time.

During this period the Creek Indians were accustomed to commit depredations upon the settlers in the present State of Kentucky, and bring back to their towns many unfortunate captives. The Indian agent at St. Mary's employed Mordecai to visit the chiefs and arrange for their ransom. His knowledge of the In-

⁴ Pickett does not appear to be certain of the spelling. He hesitates between "Mordecai," "Mordacai," and "Mordicai." Throughout this paper the Biblical spelling of the name is retained.

dian character, connected with a remarkable adroitness, contributed to the success of such applications, and enabled him to relieve from wretchedness and misery many women and children who had ceased to hope for relief.

We now rapidly approach that part of Mordecai's life, connected with the soil embraced in Montgomery county. In 1789, on a hill precisely where Mrs. Burch's house now stands on the Line Creek road, this man established himself as a trader among the Curvalla Indians, who then lived two miles distant west of the mouth of Line Creek. Some of these tribes also lived in the prairies adjoining, on the other side of his store. His buildings were erected by the Spanish deserters and were built in the Spanish style, of mortar and frame work, but were destroyed in 1812.

For twenty years he carried on an extensive trade, dealing in skins and furs, pink root, and other medicinal barks. These he conveyed to Augusta and Pensacola on pack horses, and to New Orleans and Mobile in barge canoes, with no companion but the savages, who were employed to assist him.

On one occasion he sold to Gov. Dufort of Orleans, thirty gallons of oil which the Indian women had extracted from the hickory-nut, and also cakes made from the same. The latter were esteemed by the Spaniards as a great delicacy, when served up with condiments. The oil was obtained by boiling the broken hickory-nuts in pots of water, and skimming the oil as it floated on the top. He acquired a thorough knowledge of the Spanish language in the course of his traffic, while the Indian language had almost become his mother tongue.

I have intimated that Mordecai was the first native-born citizen of the United States who ever settled in Montgomery county. It is so, but there was, however, one before him of English birth who lived hard by. During the Revolutionary War, an English soldier deserted from the British ranks and fled with his wife to the Creek Nation. He died shortly afterwards at Careta, where Columbus is now. The woman being of a bold and romantic spirit penetrated still farther among the red people and finally settled upon a creek well known to us all, and which still bears her name. “Old Milly” and Mordecai lived many years close neighbors in this savage land. She married an Indian and owned several slaves, many horses and cattle.

Mordecai in these times often visited our own town, but then inhabited by an innocent and different population. It was located at an old Alabama town and the name was Acochanta, meaning

red ground. Persons acquainted with the spot are aware that the soil is very red.

In the "times that tried men's souls," Alabama was in the occupancy of the Royalists. Their agent, a British officer named Tate, lived at the red ground town, and was successful in his exertions in getting the Indians to war upon the Americans. Aconchanta contained, in Mordecai's time, four hundred hunters, and the culture of corn was carried on in the bend opposite.

In 1804, Mordecai conferred with Col. Hawkins, living at Pole Cat Springs, upon the propriety of establishing a gin and introducing the culture of cotton. He desired to place it at his store. Hawkins entered warmly into the project, for that indefatigable and honest agent was extremely desirous to bring the Indians to a proper system of agriculture, and to teach them the arts of civilization. But, however, he objected to the location for Mordecai's own good, and advised the erection of the gin-house at Weatherford's race tracks on a beautiful bluff just below the junction of the Coosa and Tallapoosa. Here in Loftin's plantation within three hundred yards of Dr. Rieve's gin-house in Montgomery county, the first gin-house in the State of Alabama was built at a great expense in the year 1804 by this same Mordecai. Col. Hawkins was of the opinion it was the proper place for the Indian women could bring their cotton down either river in canoes and sell it there. He procured the consent of the Hickory Ground Indians for its erection. Mordecai commenced operations and the first year sold his cotton in New Orleans at thirty-three cents per pound.

In 1805 two of Mordecai's horses strolled into the low grounds, opposite Coosawda and ate some young corn belonging to the Indians of that town. Towerculla (otherwise called Capt. Isaacs), Chief of Coosawda, had never liked the residence of this white man so near him. He now availed himself of this excuse to drive him off. Selecting sixteen of his warriors, each with many long hickory poles, he surrounded the house of the innovator. Mordecai offered to pay any price for the trespass of his horses, but Towerculla thirsted for his blood. He presently struck him a blow. Mordecai being a man of prodigious strength clasped him around the waist and sought to throw him over the bluff. But the other Indians soon felled him to the earth.

They now, man to man, thrashed him with their merciless poles until he became insensible to feeling, and as they supposed dead. Cutting off his left ear they left him to the care of his Indian

wife, by whose hands he was nursed, a miserable sufferer for several months.

I have lately seen his close-cropt ear and the immense knots raised upon his body, and it is wonderful that he recovered. Some time after this the Indians burned up his gin-house with all his cotton and destroyed a fine boat, for which he paid \$400 in New Orleans.

He was now a ruined man, wandering about the nation until the war of 1813 commenced, when he fled to Georgia and joined Gen. Floyd and was in the engagements of Autossee and Caleebe. In 1814, when Gen. Jackson assigned the Indians their future limits, Mordecai returned with his Indian family to the Creek Nation, where he has lived ever since, refusing to emigrate with his children to Arkansas in 1836.

These lines have been penned, supposing that the people of Montgomery county would like to know who first lived in their county after the Spanish and French dominion had terminated and who was the first to grow cotton in Alabama and to gin it. That man was “Old Mordecai,” now breathing out a few more days of his existence in a lonely hut at Dudleyville.

Respectfully,

A. J. PICKETT.

Robinson Springs, Oct. 4, 1847.

Four years after the above article was written and published, Pickett gave to the world his celebrated “History of Alabama.” In it there appeared the following scattered references to “Old Mordecai”:

1. On page 106: Abram Mordecai, an intelligent Jew, who dwelt fifty years in the Creek Nation, confidently believed that the Indians were originally of his people, and he asserted that in their Green Corn Dances he had often heard them utter in grateful tones the words “Yavoyaha,” “Yavoyaha.” He was always informed by the Indians that this meant Jehovah, or the Great Spirit, and that they were then returning thanks for the abundant harvest with which they were blessed.⁵

⁵ Pickett was not the only one who held this opinion as to the descent of the American Indians. James Adair, an Englishman, who lived thirty years among the Chickasaws and had frequent intercourse with the nations of the Muscogees, Cherokees, and Choctaws, devoted the larger portion of his ponderous volume

2. On page 421: In 1785 came also unto this neighborhood a Jew, named Abram Mordecai, a native of Pennsylvania, and who established a trading house at the spot where now stands the house of Mrs. Burch, two miles west of Line Creek. Here also lived James Russel, another trader, who, being a Tory, had sought this place to be rid of Whig persecution. A Tory named Love, and Dargan, a Dutchman and notorious horse-thief, lived near the

"American Indians," published in London in 1775, to prove that the latter were originally Hebrew and were a portion of the lost tribes of Israel. He asserts that at the Boosketans of the Creeks and other tribes within the limits of Alabama, the warriors danced around the holy fire, during which the priest invoked the Great Spirit, while the others responded "Halelu," "Halelu." Then "Halelujah," "Halelujah." He is ingenious in his arguments, and introduces many strange things to prove, to his own satisfaction, that the Indians were descendants of the Jews. He formed his belief that they were originally the same people upon their divisions into tribes, worship of Jehovah, notions of a theocracy, belief in the ministrations of angels, language, and dialect, manner of computing time, their Prophets and High Priests, festivals, fasts, and religious rites, daily sacrifices, ablutions and annointings, laws of uncleanness, abstinence from unclean things, marriages, divorces, and punishments for adultery, their towns of refuge, purification, and other ceremonies preparatory to war, their ornaments, manner of curing the sick, burial of the dead, mourning for the dead, raising seed to a deceased brother, choice of names adapted to their circumstances and times, their own traditions and the accounts of English writers and the testimony which the Spanish and other authors have given concerning the primitive inhabitants of Peru and Mexico. He insists that in nothing do the Indians differ from the Jews except in the rite of circumcision, which he contends their ancestors dispensed with, after they became lost from the other tribes on account of the danger and inconvenience of the execution of that rite to those engaged in a hunting and roving life. That when the Israelites were forty years in the wilderness even then, they attempted to dispense with circumcision, but Joshua, by his stern authority, enforced its observance. The difference in food, mode of living, and climate are relied on by Adair to account for the difference in the color between the Jew and the Indian and also why the one has hair upon his body in profusion and the other has none.

site of Mt. Meigs, where they carried on a small commerce. All these traders had Indian wives except Mordecai, whose faithful spouse was Indian considerably darkened with the blood of Ham.

3. On page 469: In 1802 Abram Mordecai, an Indian trader, procuring the consent of the Creek chiefs and the approbation of Col. Hawkins, had established a cotton-gin at Weatherford's race track, on the eastern bluff below the junction of the Coosa and the Tallapoosa; it was built by Lyons and Barnett of Georgia, who brought their tools, gin-saws, and other material from that State on pack horses.

4. On page 470: Abram Mordecai was a queer fellow. He traded extensively with the Indians, exchanging his goods for pink root, hickory-nut oil, and peltries of all kinds. These he carried to New Orleans and Mobile on boats and to Pensacola and Augusta on pack horses. Mordecai bought cotton of the Indians in small quantities, ginned it, and carried it to Augusta on pack horses in bags much smaller than those of the present day. He was a dark-eyed Jew and amorous in his disposition. Towerculla (Capt. Isaak), chief of the Coosadas, hearing of his intrigue with a married squaw, approached his house with twelve warriors, knocked him down, thrashed him with poles until he lay insensible, cut off his ear, and left him to the care of his wife. They also broke up his boat and burned down his gin-house. A pretty squaw was the cause of the destruction of the first cotton gin in Alabama.

From what source had Pickett, whose veracity be it understood is unimpeachable, received the information which induced him to so completely change his opinion of “Old Mordecai” in the few brief years between 1847 and 1851? On whose authority does he amend that stirring anecdote of the cutting off of Mordecai’s ear, in which the victim has our entire sympathy as the innocent person grievously wronged to that version in the “History” in which he gains only our contempt as a chartered libertine?

The History informs us that the new version is based on a conversation with one “Lachlan Durant.” Dilligent search among the unpublished papers of Pickett now resting in the Department of Archives and History of this State fail to reveal the identity of this man. If we remember the

doubtful character of the white people by whom Mordecai was surrounded in that savage land, Russel, "the escaped Tory," Dargan, "the notorious horse thief," "Old Milly" and her Indian paramours—and these were the only ones who were in a position to really know what had happened in that tragic affray between Towerculla and "Old Mordecai"—we shall probably know where to put Lachlan Durant in the social scale and what value to place upon his testimony.

But on the other hand and over against the statement of the unknown Durant we have the deposition of "Old Mordecai"—a dying statement as it were—taken down by Pickett himself. For, prefaced to the original narrative of Mordecai as preserved among the unpublished papers in the Archives of the State there occur these words in the historian's own handwriting:

Notes from the lips of Mr. Mordecai, taken down the 30th of September, 1847, at Dudleyville, Tallapoosa county. This old man was nearly ninety years old—lived in a hut by himself, had his coffin by his bedside, was quite resigned to death—is supported by the people of the village. He is a remarkable man, having lived all his life among the Indians in the capacity of trade interpreter. He was originally a good scholar and the oldest man I have ever conversed with.

Is it likely that such a man, of unquestioned piety, in the visible presence of death should stoop to lies to curry the favor of people by whose opinion, whether good or ill, he never seemed to have been hitherto affected? And what are Mordecai's own words of the affair with Towerculla as recorded in this narrative of Pickett?

He had been there but a short time when two of his horses got loose and strolled into a patch of young corn in the low grounds opposite Coosada belonging to that town of Indians. Capt. Isaak Towerculla and a good many of his warriors went to Mordecai's house with long ox poles. They commenced abusing him for the trespass committed by his horses. He offered to pay them damages—they spurned the offer, telling him that he should be beaten and driven off—that the whites should not crowd them. Capt.

Isaak struck him with one of the poles. Mordecai seizing him determined to throw him over the bluff, but was soon knocked down by the others. The Indians beat him until they left him for dead and then cut off his left ear close to his head. I examined Mordecai and found him beaten terribly, having great knots on his body from the poles.

Why should Pickett have preferred the uncorroborated statement of the unknown “Lachlan Durant” to these words of Mordecai, uttered under circumstances witnessing so strongly to their sincerity and truth?

The answer is clear. Abram Mordecai was a Jew. To have laid the foundations of a great city, to have been the first to raise cotton in one of the greatest Commonwealths of the Southland, and to have created a foreign market for the fleecy staple, thus securing to posterity the commercial prosperity of the country, to have blazed a way for industrial progress in the wilderness, and to have suffered privation and torture in the process, is no small achievement. Then welcome any pretext which shall take away from the Jew his merited glory and give to another the fame which he so richly deserved.

On eagle’s wings immortal scandals fly,
While virtuous actions are but born to die.

But Mordecai’s memory still lives and from out the forgotten pages of dusty tomes in secluded archives it seems to be saying:

Horatio, I am dead;
Thou liv’st; report me and my cause aright
To the unsatisfied.
Things standing thus unknown, shall live behind me.
If thou did’st ever hold me in thy heart,
Absent thee from felicity awhile
And in this harsh world draw thy breath in pain
To tell my story.

THE HISTORY OF THE JEWS OF MONTGOMERY.

BY RABBI ALFRED G. MOSES, *Mobile, Ala.*¹

The history of the Jews of Montgomery follows in its general lines almost a parallel course with the history of the Jews of Mobile, Ala., an account of which was presented by the author at the last annual meeting of the American Jewish Historical Society.² As was true of the latter, the history of the Montgomery Jews may be divided into a period of pre-organization and an epoch of organization and communal growth. Mobile, however, was a much older place of settlement than Montgomery, having been originally settled in 1701 by Louis de Bienville, had a considerable Colonial history and was over a century old when the present site of Montgomery was made the location of a fort by Lieut. Col. Benton of the United States Army, a commander under General Andrew Jackson who was engaged in the military occupation of Alabama after his victory at New Orleans over the British.³ This settlement took place in August, 1814. No Jews appeared in Montgomery proper until a much later date.

However, in what is now known as Montgomery County, of which Montgomery is the county-seat, a Jew by name of Abram Mordecai settled in 1785.⁴ He came from Pennsylvania as an Indian trader and established a trading post at Weathersford, two miles west of Line Creek and eighteen

¹ For the early facts of which he is indebted to Mr. Leopold Young of Montgomery, Ala., who furnished him with a MSS. copy of a sketch of the first Jewish settlers of Montgomery.

² *Publications of American Jewish Historical Society*, 1904-5, Vol. XII.

³ Cf. Hamilton's Colonial Mobile, p. 376.

⁴ Pickett's History of Alabama, p. 469.

miles from the present site of Montgomery.⁵ Pickett in his history of Alabama refers to him as "an intelligent Jew who lived fifty years in the Creek Nation." He carried on an extensive trade with the Indians, "exchanging his goods for pinkroot, hickory-nut oil, and peltries of all kinds."⁶ Ball in his history on Clarke County states that his house was once burnt by Indians because of an intrigue with an Indian squaw.⁷ Mordecai believed that the Indians were originally Jews because in their green corn dances, he claims that he heard them utter in grateful tones, "Yavohoya, Yavohoya."⁸ Through his enterprise, the first cotton-gin in the State was constructed by two Jews, Lyon and Barrett of Georgia, "who brought their tools, gin-saws, and other material from that State on pack-horses."⁹ According to Leopold Young, Mordecai died in the 80's in Tallapoosa County, over a century old.¹⁰

The first Jew who settled in Montgomery City was Jacob Sacerdote, who kept a restaurant at the corner of Montgomery Street and Court Square.¹¹ He was soon followed by Henry Isaac, Joseph Young, Isaiah Weil, Freedman R. Gans, and S. K. Gans. At the house of the former the first religious services were held. On November 17, 1846, a society, called **חַבְרָה מַבְּכָר חַיל יָם**, "Society for Relieving the Sick," was formed. The original members were Messrs. M. L. Gerson, L. Cellner, P. Kraus, G. Meyer, H. Lehman, J. Eberhardt, B. Kohn, J. Weil, M. Englander, J. Meyer, A. Englander, H. Weil.¹² This Society observed Rosh-ha-Shurah and Yom Kippur, and Jews living in the surrounding country came to Montgomery to attend the holiday services.

⁵ MSS. Sketch of Jewish History of Montgomery, by Leopold Young, p. 1. (Hereafter referred to as MSS. S.)

⁶ Pickett, History of Alabama, p. 469.

⁷ Ball: Clarke and its Surrounding, 1882, p. 430.

⁸ Pickett, History of Alabama.

⁹ MSS. S., p. 1.

¹⁰ MSS. S., p. 1.

¹¹ MSS. S., p. 1.

Unlike Mobile, Montgomery had practically no Sephardic or Portuguese-Jewish element preceding the incoming of German and Polish Jews as the character of the above-mentioned names indicates. The first Jewish settlers in Montgomery from Germany and Poland at once co-operated to form a Jewish religious union. On May 6, 1849, the chevra, alluded to, was enlarged into a regular congregation and called "Kahl Montgomery,"¹² or Temple Beth-Or." All the effects of the chevra including what is now part of the present cemetery was transferred to the new body. The first president was Isaiah Weil, and the number of members was about thirty. On the 12th of April, 1852, the congregation was legally incorporated and Joseph Weil elected president. The following also were members: Jacob Meyer, Jacob Abraham, S. Marx, Henry White, F. Benedick, Jacob Weil, Gabriel Meyer, H. Weil, Emanuel Lehman, Henry Lehman, Morris Heller, Meyer Uhlfelder, Joseph Young, Joseph Newman, M. L. Gerson, P. Kraus, M. Englander, and Jacob Strauss.¹³

No rabbi was employed, but several readers were engaged; a Mr. Marcuson in 1852, a Mr. Meyer in 1853, and a Mr. Hermann in 1858. In September, 1858, Rev. Joseph Blumenthal was employed as reader. In the same year Judah Touro, the great philanthropist of New Orleans left \$2000 to the congregation, which was set aside as the nucleus of a fund for the purpose of building a synagogue. In 1859, Mr. S. Neuman was chosen president. On March 8, 1862, after repeated efforts, a new synagogue was dedicated by the well-known Rabbi James K. Gutheim of New Orleans, who delivered a memorable sermon. The first reform was begun at the same time in the use of a choir and organ. Rev. J. Blumenthal continued to act as reader. In 1862, a school for imparting secular as well as religious instruction, such as was

¹² MSS. S., p. 2.

¹³ Golden Jubilee Souvenir, Kahl Montgomery, 1902. List of Charter Members.

founded later in Mobile, was organized. On September 23, 1863, James K. Gutheim was engaged as rabbi. However, both he and Rev. Blumenthal resigned in 1864, the former returning to his old congregation in New Orleans, where he remained until his death. In 1865, Rev. M. H. Meyers was elected as rabbi and superintendent of the school, but he resigned in 1865, and a Mr. Blumenthal was engaged as reader. He was succeeded in 1866 by Rev. G. L. Rosenberger, who acted as Chasan, Sebochet, and Teacher. He remained until 1869, and was followed by Rabbi E. B. M. Brown, who has held Jewish pulpits at Columbus, Ga., New York City, and elsewhere. Through the efforts of Mr. M. Strassburger, still living, my father, Adolph Moses, was brought over from Segnitz, Germany, where he was a teacher in a private school, and elected as the rabbi. He remained in Montgomery until 1872, when he was called to the pulpit of the Mobile congregation. His successor was Rabbi B. E. Jacobs. In 1872, Mr. David Weil was elected president, and served almost continuously until 1902 with fidelity and distinction. He is still living, one of the revered survivors of the early times. In 1876, Rabbi S. Hecht, now of Los Angeles, Cal., was elected rabbi. During his long incumbency of twelve years, he gave tone and solidity to Kahl Montgomery and brought it into touch with the progressive Judaism of to-day. He was especially active in religious instruction, and the Jewish literary spirit which is still active in Montgomery and fostered by several talented Jews and Jewesses of that city was given birth and impetus by his untiring efforts. A new cemetery was laid out in 1880. Rabbi Hecht resigned in 1888 to accept a call from Temple Emanuel of Milwaukee, Wis., and was succeeded by Rabbi E. K. Fisher of Quincy, Ill., who held the pulpit until 1892. Rabbi David Davidson, a professor at the Hebrew Union College of Cincinnati, was chosen as rabbi. He remained until 1895 after a very effective service, and became the rabbi of Congregation Ahavath Chesed of New York City. Rabbi Israel Joseph of

Wilkesbarre, Pa., a graduate of the Hebrew Union College, was tendered the position, which he filled with ever-growing esteem and popularity until his untimely death in the prime of a promising manhood on October 30, 1896. He was buried with great honors in New York City. The vacancy was filled in 1897 by the election of the present incumbent, Rabbi A. J. Messing, Jr., of Peoria, Ill. He is a graduate of the Hebrew Union College and a son of Rabbi A. J. Messing, Sr., of Chicago, Ill. In 1902, a new Temple was dedicated with elaborate ceremonies. Only one charter member, Jacob Strauss, was still living.

The Jewish community of Montgomery numbers to-day almost one thousand souls, which is a considerable Jewish population in a city of its size. There are strong Jewish organizations, such as the B'nai B'rith, whose local lodges are among the most active in the country. The Jews of the city are prominent in commercial and professional affairs. There are very many Jewish lawyers and physicians. Julius Sternfield of Montgomery is influential in Republican State politics. He holds the position of Assistant District Attorney and during the crusade against peonage acted as the special agent of the Administration in ferreting out and prosecuting such violations of the Federal Law. Philip Stern of Montgomery has held various posts in the regular army, and, in 1901, was a captain in the Twenty-ninth Regular Infantry, which served in the Philippine Islands.¹⁴ The new town of Sheffield was laid out in 1884 by a land company, among whose prime movers were two Jewish brothers, by name of Moses, from Montgomery.¹⁵ Captain Alfred Moses, who had been in the Confederate service, was the first manager of the company, and under his able administration the enterprise prospered.¹⁶

¹⁴ *Jewish Encyclopedia*, Article on Alabama, p. 315.

¹⁵ *Ibid.*

¹⁶ *Ibid.*

Judah P. Benjamin was a resident of Montgomery from 1862, when it was the first capital of the Confederacy. There he lived during his service as Attorney-General of the Provisional Government of the Confederacy, and later as Attorney-General under Jefferson Davis. He did not, however, affiliate socially or religiously with his co-religionists.¹⁷

Among the earliest Jewish settlers of Montgomery was Jacob Kohn, who arrived there in 1848 from Bavaria when there was scarcely a handful of Jews. In his native land he had learned the shoemaker's trade, which he at once began to ply in Montgomery. He met with great success and soon founded a shoe-house under the name of J. Kohn & Sons in 1849. The firm grew more and more in commercial prestige and influence. When the Civil War broke out in 1861, Jacob Kohn and his brother Alexander Kohn volunteered their services to the Confederacy. Both of them being skilled shoemakers, the Commissary Department, whose headquarters were then in Montgomery, concluded to manufacture shoes there, and Jacob Kohn was made the superintendent and foreman of the Confederate shoe factory, which was located on Tallaspoosa Street between Coosa and Commerce Streets. Here, thousands of pairs of boots and shoes were made for the Confederate army under his direction. He died honored and esteemed at a ripe old age in Montgomery in 1897.

This business is still maintained by Alfred A. Kohn and bears the distinction of being the oldest business house in the city of Montgomery of any character and the oldest shoe-house in the Southern States.¹⁸

The Montgomery Jewish community maintains a Ladies' Hebrew Benevolent Society, founded in 1861; a United Hebrew Charities, organized in 1862; two B'nai B'rith lodges, and several minor organizations. In 1904, a magnificent club building, combined with all the features of a social house and a gymnasium, was erected.

¹⁷ *Jewish Encyclopedia*, Article on Alabama, p. 315.

¹⁸ For the foregoing the author is indebted to Alfred A. Kohn of New York City.

A GERMAN JEWISH POET ON AMERICA.

BY ALBERT M. FRIEDENBERG, B. S., LL. B., *New York City.*

The Jews of Europe, and more particularly of Germany, were oppressed by the Christians from the earliest times.

Hence, many German Jewish writers of the times looked upon America as the ideal land of personal liberty and equality, and political freedom. Ludwig August Frankl wrote *Cristoforo Colombo* (Stuttgart, 1836), the first German epic on the subject. Heinrich Heine, with characteristic perverseness, called America "*das ungeheure Freiheitsgefängnis*," while Hieronymus Lorm (Heinrich Landesmann), the poet of pessimism (1821-1902), thought that in America the mob ruled. A unique historical novel is Wassermann's *Judah Touro*, and in Salomon Herrmann Mosenthal's *Deborah* America is spoken of as the new land of promise.

Theodor Creizenach (1818-1877) reflects all these thoughts in his poems. He wished to be at once German and Jewish,¹ and hence all of his poems on Jewish subjects antedate his conversion to Christianity, which occurred in 1854. They are to be found in his father, the celebrated pulpit-orator, Dr. Michael Creizenach's volume *Chinuch libne Mizvah, oder: Stunden der Weihe für israelitische Confirmanden, in einer Reihe von Betrachtungen über die wesentlichsten Punkte der mosaischen Lehre.*² Dr. Creizenach speaks as follows of his son's verse:

"Die von meinem Sohne beigefügten Gedichte athmen alle Achtung für Israel und seine Lehre; ich kann daher hoffen,

¹ See *Menorah*, October, 1901, Vol. XXXI, p. 260 ff.

² Frankfurt, a. M., 1841.

dass sie als eine freundliche Zugabe auch eine freundliche Aufnahme finden werden.”³

One of these poems is entitled *Die jüdischen Auswanderer nach Amerika*⁴ and reads as follows:

Seht jenen Hauf
 Von Kindern und von Greisen!
 Er macht sich auf,
 In fernes Land zu reisen.

 Sie lassen nie
 Die Lehr' aus grauen Tagen,
 Und wollen sie
 Auch in die Fremde tragen.

 Ihr habt geseh'n
 Die deutschen Burgen thronen;
 Ihr wollt nun geh'n
 Und in dem Urwald wohnen.

 An seinem Saum
 Wird euch im Schlaf erreichen
 Ein wüster Traum
 Von Cedern und von Eichen.

 Im Glück vereint
 Lebt Ihr wie neugeboren.
 Mein Herz doch weint
 Und fühlt, was Ihr verloren.

 Es fühlt so schwer,
 Was Eure Seele leidet,
 Wenn Euch ein Meer
 Von Eurer Hoffnung scheidet.⁵

³ Preface, p. viii.

⁴ P. 143.

⁵ Compare the final stanza in his poem, *Der deutsche Jude* (pp. 141, 142):

So regt sich's mir im Busen heftig:
 Die Zeit vollendet ihren Lauf!
 Es steht der Geist des Lebens kräftig
 Aus modrigen Gesteinen auf!
 Drum lassen wir uns nichts verkümmern,
 Sink' auch die alte Herrlichkeit;
 Denn hoch ersteht aus Schutt und Trümmern,
 Der Lebensbaum der neuen Zeit.

Es weht ein Sturm
Durch alle Erdenräume,
Verschont den Wurm
Und trifft die edlen Bäume.

Er führt dich auch,
O Volk, du weit verschlag'nes,
Durch seinen Hauch
Von Land zu Land getrag'nes!

Wird sich der Kern,
Den Stürme jetzt zerstreuen,
In weiter Fern'
Zum Lebensbaum erneuen? ⁶

Wie, oder soll
Die Schaar in neuen Mauern
Nur sehn suchtsvoll
Vergang'ne Zeit betrauern;

Und jener Schrein,
Wo ihre Rollen lagen,
Nur alte Pein
In neue Welten tragen?

Nein, seht auch hier
Durch Lenkung unsres Hortes
Ein Hochpanier
Des nie zerstörten Wortes;

Das fest und klar
Bis hierher uns geleitet
Und wunderbar
Auch über's Weltmeer schreitet!

A poem, *Das Licht von Zion*, in the collection of *Gedichte und Lieder*,⁷ by the missionary Chr. Hoffmann, is said to have been “translated from the diary of a traveler to Jerusalem, which was published at Philadelphia, North America, in the year 1851.” The translation is dated 1855, and reads as follows:

Dort auf Columbiens meergewiegtem Strand
Stand ich zu späh'n, das Fernglas in der Hand;

⁶ See preceding note.

⁷ Stuttgart, 1869, p. 147.

Fern ostwärts schaut' ich, wo im Dunkel dicht
Sich ballt der Erde nahendes Gericht.
Erdbeben spalten 'Thron' und Nationen,
Pest, Krieg und Hunger wüthen ohne Schonen.
Und da der Streit sich in die Nacht verzeucht,
Harr' ich, bis Finsterniss dem Lichte weicht,
Des heller'n Tags gewärtig, dessen Schein
Die Sünd'- und Todesschatten wird zerstreu'n.
Nun endlich dämmert gleich des Leuchtthurms Stern
Ein Strahlenglanz auf Juda's Hügel fern—
Den längst verlass'n Herd, wo einst gescheh'n
Der Weisheit Sehersprüche, auf die Höh'n
Der Weissagung, wo einst die Quelle floss
Des Lied's; Gesicht des Friedens, schön und gross!
Zion, steh' auf; das Mass der Zeit ist voll,
Wo dein zerriss'nes Volk sich sammeln soll.
Vorbei ist der Verbannung lange Nacht,
Zu Ende geht der Heiden Zeit und Macht—
Als Pilgrim wag' ich, deiner Söhne Schaar
Zu grüssen und der Erde Jubeljahr,
Auf breiter Fluten müde Brust mich nun,
Nur an Siloah's Wassern auszuruuh'n.

Who was the author of the original?

JUDAH TOURO, MERCHANT AND PHILANTHROPIST.

BY MAX J. KOHLER, A. M., LL. B.

It is a strange circumstance that no paper devoted to Judah Touro has thus far been presented at any of our meetings, nor has any sketch of his distinguished career, worthy of the name, been thus far published, certainly not any emanating from a Jewish pen. The result is that little definite information concerning Touro is conveniently accessible, and, in consequence, we find the four enormous tomes of Fortier's History of New Orleans, just published, absolutely ignoring the very name of one who would probably by common consent be singled out as the most prominent American Jew of the first half of the nineteenth century. One familiar with the relations between the investigations of local historical societies and more general historical writings, can readily account for the general historian's neglect of an individual's career, ignored even by his own near ones. It is, accordingly, to such specialized investigations as our own, that the general historian is likely to turn before including or excluding an individual in his general histories, particularly if the man in question did not figure prominently in the political or military history of his time.

A couple of biographical sketches of Judah Touro, written within a few years after his death, and strangely enough, by non-Jewish writers, are still our most detailed and satisfactory authorities on his career and tend to show in what high regard his contemporaries held him. Judge Alexander Walker's biography¹ and the Rev. Theodore Clapp's personal

¹ In the second volume of Hunt's "Lives of American Merchants," published in 1856.

reminiscences in his "Autobiographical Sketches and Recollections During a Thirty-five Years' Residence in New Orleans" (1858) are still our chief sources of information; though few persons seeking light on Touro's career would be likely to look for it in such little-known works. The biography of him which Isaac Leeser called for in his obituary sketch² still remains unwritten, though to-day the personal reminiscences and documentary material of half a century ago are for the most part no longer, it is to be feared, extant. Judah Touro, merchant prince and philanthropist, was known in his day from Newport and Boston, the cities of his infancy and early youth, to far distant New Orleans, the city of his maturity, as "An Israelite indeed, in whom there was no guile," as typical of what is best in the Jewish character, and more than any other resident co-religionist, inspired respect and admiration among Jew and Gentile alike for the Jewish name in America. And beyond that, his generous, well-nigh unprecedentedly large-scaled and diversified philanthropic gifts made it possible for the various American Jewish communities to undertake institutional charitable work theretofore impossible, in view of the small and humble means at their disposal, so that, throughout the land he pre-eminently laid the foundations for those noble Jewish charities which have ever since been the pride and the boast of American Jewry.

Judah Touro was born at Newport, Rhode Island, on June 16, 1775, and in his maturity he often rejoiced at the circumstance that his individual career thus began with that of his beloved country. His father was the Rev. Isaac Touro, minister of the Newport Jewish Congregation, whose assumption of activities at its helm was marked soon after, in 1763, by the dedication of its first synagogue building, its first cemetery being more than a century older, and concerning whose career our society has already published various items.³ Isaac

² *The Occident*, Vol. XI, p. 594, March, 1854.

³ See Max J. Kohler on "The Jews in Newport," *American Jewish Historical Society Publications*, Vol. VI; Prof. Morris Jas-

Touro married Reyna Hays, the sister of Moses Michael Hays, in 1773, and they had three children—Abraham, Judah, and Rebecca; the latter became the wife of Joshua Lopez, and died in New York in 1833. The large majority of the members of the Jewish community of Newport having left the city during the Revolution, Rev. Isaac Touro and his family departed for Kingston, Jamaica, where he died on December 8, 1783. His widow and children returned to this country, and became members of the household of Moses Michael Hays, brother of Mrs. Touro, who was at this time one of the leading merchants of Boston; there Mrs. Touro died on September 18, 1787. In the home and office of Moses M. Hays, Abraham and Judah Touro had inculcated in them not merely those principles of rectitude and business acumen which stood them in such good stead throughout their lives, but they were also brought into close contact and personal intimacy with eminent non-Jews, and acquired respect for the opinions and views of those of different faith and mental equipment, and the accompanying increased breadth of view. Michael Moses Hays was an intimate friend of Harrison Gray Otis, a son of the patriot James Otis, and himself United States Senator and Mayor of Boston, and of Thomas H. Perkins, projector of the first American railroad and a distinguished philanthropist, while such younger men as Rev. Samuel J. May, the abolitionist leader, made the Hays' household a second home. To these early associations can probably be traced the sentiments which induced Judah Touro, in his New Orleans home, to purchase slaves with a view to restoring them to liberty. Abraham and Judah Touro acquired a practical knowledge of affairs and

trow, "References to Jews in the Diary of Ezra Stiles," *Ibid.*, No. 10; Rev. W. Willner, "Ezra Stiles and the Jews," *Ibid.*, No. 8; N. Taylor Phillips, "The Levy and Seixas Families of Newport and New York," *Ibid.*, No. 4; George E. Mason's "Reminiscences of Newport," Rev. A. P. Mendes, "The Jewish Cemetery at Newport," *Rhode Island Historical Magazine*, Vol. VI, pp. 81-105; Rev. Geo. A. Kohut, "Ezra Stiles and the Jews."

commercial procedure in their uncle's counting-room, and in 1798 Judah was sent along as supercargo in connection with a valuable shipment made by his uncle to the Mediterranean. The voyage was marked by a desperate conflict between their vessel and a French privateer, in spite of which it was a commercial success. His Boston associates and connections advised him, soon after, to migrate to New Orleans, then still a French possession, where he arrived in February, 1802, after a voyage lasting from October. His numerous Yankee friends knew that they could absolutely rely on his integrity and judgment to handle, with the best results, the consignments they made to him, and he soon built up a flourishing business in New Orleans, which made him one of this country's "merchant princes." A copy of Mason's "Reminiscences of Newport," expanded by the insertion of portraits and manuscripts into six volumes, which was acquired by the Lenox Library from the collections of the distinguished historian, George Bancroft, contains an autograph business letter from Judah Touro to one of his New England correspondents, C. G. Champlain, United States Senator from Rhode Island, which throws light on the scope of his business dealings.

Tradition has it that he formed a romantic attachment for his cousin, Catherine Hays, in these early days, but that their near relationship precluded their marrying, so that each remained single. She subsequently removed to Richmond, Va., and died the very month Judah Touro himself died, January, 1834. She was remembered in his will, executed that very month in ignorance of her death.

Abraham Touro, Judah's brother, died, unmarried, in Boston, October 18, 1822, at the age of 48, in consequence of an accident to the carriage in which he was driving; at his especial request he was buried in the Jewish Cemetery at Newport, though the Jewish community of that town had been scattered long before. Two years previously he had caused a substantial brick wall to be erected around the cemetery, for which he made further provision by his will, which contained

a number of larger charitable bequests, principally to Boston institutions, though the Jewish synagogues of New York and Newport were liberally remembered. It is due particularly to the overshadowing fame of his brother that posterity recognizes the philanthropic gifts of Abraham Touro so slightly.

Returning to Judah Touro's career, we note that he patriotically recognized the claims of his country upon him during the War of 1812, and thrust aside his large business interests, in order to enlist in the ranks during the siege of New Orleans. After having served as a common soldier, he volunteered his services to aid in carrying shot and shell to one of the American batteries during a British cannonade, and while in the performance of this duty he was struck by a twelve-pound shot on January 1, 1813, and so seriously injured that he was left for dead. Here an intimate friend, Rezin D. Shepherd, found him and saved his life after the physicians had abandoned all hope. Their intimacy till Touro's death was great to the point of romance, and nearly forty years later Judah Touro, in his last will, refers to the circumstance of Shepherd's preservation of his life "under Divine Providence," and appointed him his residuary legatee. As Shepherd had independent means of his own, he treated this large bequest as a trust to be administered for charitable purposes, so that Touro's bequests even exceeded the amounts so described in the will itself.

Judge Walker, in the biographical sketch already referred to, summarizes his commercial career as follows: "He began a brisk and profitable trade in soap, candles, codfish, and other exports of New England, making prompt returns to his friends in Boston. His fidelity, integrity, and good management soon secured him a large New England trade, every vessel from that section bringing him large consignments, and many ships being placed at his disposal, as agent, to obtain cargoes and collect freight. His business was prosperous, his funds accumulated. He invested his surplus judiciously in ships and in real estate, which rapidly advanced in value. His

career as a merchant was one of honest, methodical labor and stern fidelity to the principles of legitimate trade, never embarking in any hazardous ventures or speculations, never turning aside from his line of business, and adhering rigidly to the cash system. Such a career presents but few incidents of interest." He was as methodical and regular as a clock. His neighbors were in the habit of judging the time of day by his movements. In his business he rarely employed more than one clerk, and he was generally a lad. It was his custom to open his store himself at sunrise and close it at sunset. He attended to all his affairs himself, and had them so well arranged that there was no possibility of any misunderstanding.

It is the circumstance that Judah Touro's whole life was devoted to personal charitable service, knowing no limits of age, creed, or race, and so intelligently administered as to work the maximum of good in every instance, that has made his name immortal, as are the names of few other philanthropists. Other men during his lifetime also amassed large fortunes and gave liberally spasmodically or by their last wills, yet unlike Judah Touro they are forgotten. The public, notwithstanding his modesty and retiring disposition, knew that his whole life was consistently devoted to intelligent philanthropic action. Judge Walker, who was a resident of New Orleans at the time of his death and for many years previously, well says of him: "It was the death of a man who had won a renown nobler, higher, and more enduring than that which the most successful merchant, the most daring warrior, or the most gifted author ever earned. Who that saw him in life would have anticipated such fervent demonstrations of popular affection and grief at his death? How little of the hero or great man was there in the simple, humble aspect of that timid, shrinking old man, who was wont to glide so silently and diffidently through the streets, with his hands behind him, his eyes fixed on the pavement, and his homely old face, wrinkled with age but replete with the ex-

pression of genial kindness and benevolence. He was, too, a man of no great deeds, or public services, or brilliant qualities. And yet, when the tidings of his decease go forth a whole people, a reckless, frivolous and cynical people, turn aside from their various pursuits of pleasure or ambition, to bewail with heartfelt sorrow his departure. And he died a millionaire. The people do not usually sorrow over the death of the rich man. . . . It is rare, indeed, that the man who does his duty by his fellow-men in life, accumulates large wealth. . . . Wealth seemed to flow into his coffers as the reward of a boundless and incessant benevolence and beneficence—an ever-active philanthropy. His career was a splendid illustration of the Divine injunction and promise ‘Cast thy bread on the waters, and after many days it shall return to thee.’ Avarice, the love of money for its own sake, were as foreign to his nature as dishonesty and falsehood. He deprived himself of all other luxuries in order to enjoy and gratify with keener relish and greater intensity his single passion and appetite—to do good to his fellow-men. He was a miser only in the exercise of his charity and benevolence, from which he jealously excluded others. His only art and stealth were displayed in the concealment of his benefactions, and his chief vexation and trouble were to avoid the ostentation and display which are too often the main incentive to liberal and benevolent deeds.”

Turning from Judge Walker’s panegyric, we must confess that Judah Touro’s shrinking, retiring nature permitted the public to know of but a small fraction of his many benefactions, and familiarity with but a fraction, numerous as they are, has been handed down to us. The time was one when large gifts to charitable and other public ends were not as common as they are now. When he donated \$10,000 towards the erection of the Bunker Hill Monument in 1840, those interested in raising the necessary funds had almost given up their project in despair. Though the cornerstone was laid already in 1826, on the fiftieth anniversary of the battle,

Amos Laurence's generous offers of aid met with no material response, even when aided by the eloquent appeals of Edward Everett and Daniel Webster, until Judah Touro privately offered to contribute \$10,000, duplicating a similar offer of Amos Laurence made in 1839, provided the remaining necessary \$30,000 would be raised. It is said that he was so indignant at the publication of his name, notwithstanding his injunctions of secrecy in connection with the offer, that he seriously thought of withdrawing his offer for a time. Probably this generous benefaction to New England from a Jewish resident of distant New Orleans, more than any other single gift, made Touro's benefactions familiar to the world, and well might it be, when, on the occasion of the dedication of the monument in 1843, in the presence of the President of the United States and Daniel Webster as orator, his generosity was commemorated by the presiding officer who read these lines, since become famous:

Amos and Judah—venerated names!
Patriarch and prophet press their equal claims,
Like generous coursers, running neck and neck,
Each aids the work by giving it a check.
Christian and Jew, they carry out a plan—
For though of different faith, each is in heart a man.

Judah Touro's private benefactions were munificent throughout his lifetime, and the recipients thereof were often astonished at the degree of his generosity. An illustration in point is set forth by the Rev. Theodore Clapp.⁴ A Christian church in New Orleans, of which Mr. Clapp was the minister, found itself in serious financial difficulties with \$45,000 of indebtedness. Twenty-five thousand dollars was raised by private efforts, whereupon Mr. Touro purchased the building itself for \$20,000 and permitted the congregation to occupy the building rent-free until it was destroyed, after many years, by fire, when he furnished its most generous con-

⁴ "Autobiographical Sketches and Recollections," p. 24, *et seq.*

tribution for a new building. To a friend who had suggested that he could profitably erect business buildings on the site, he promptly remarked on purchasing the church edifice: "I am a friend to religion and I will not pull down the church to increase my means!" Mr. Clapp, moreover, received from him no less than \$20,000 during his lifetime. When his sister died, leaving an estate of approximately \$60,000 to him, he declined to accept the money, requesting instead that it be distributed among deserving charities. The Touro Infirmary at New Orleans was established during his lifetime. He became interested in reports concerning the "Old Stone Mill" of Newport, supposed to be a relic of the early Northmen's settlements in America, and bequeathed \$10,000 for the acquisition of the site by that municipality. For many years he was practically the only Jewish resident of New Orleans; subsequently, as the Jewish population increased, he erected a synagogue building and donated it for such uses at an expense of approximately \$40,000. Thereafter he was a regular and devoted worshiper at its services. By his will, signed January 6, 1854, less than two weeks before his death, he distributed upwards of half a million of dollars to charitable purposes, two-thirds of the sum to non-Jewish purposes. Mr. Clapp, in commenting on this circumstance says: "I have never heard of but one religionist in the United States who can be compared with Mr. Touro, as regards the liberality of his benefactions to his own church; and he bestowed nothing on other denominations. But Mr. Touro gave more to strangers than to his brethren. With a generous profusion, he scattered his favors broadcast over the wide field of humanity. He knew well that many of the recipients of his bounty hated the Hebrews, and would, if possible, sweep them into annihilation."

One cannot read the will of Judah Touro without being surprised at the accurate knowledge and familiarity acquired by him at this early date concerning the many Jewish communities of the country near and far, their congregations, and their

charitable institutions, many of which owed their continued existence to his generous bounty.⁵ Had it not been for his wise philanthropy, many of our boasted communal institutions in most distant sections of the country, would have found their efforts stifled for many years, at least, by want of necessary support. Rev. Isaac Leeser, at his funeral, ably summarized his will, containing upwards of 65 distinct bequests, as follows:

He thought of the widow and orphan in his own city and where he had dwelt in his youth, and devoted a portion of his means to their relief; and those to whom he has confided this trust are not of his own faith and kindred, and probably no Israelite will ever claim any benefit from the funds. He thought of the poor in his own city, and endowed a home of refuge to receive them in the day of their distress. He thought of those of his own persuasion who suffer from the heavy hand of disease, and supplied the means to afford them relief, in several cities. He thought of the new and weak congregations in various towns, and afforded them the means to carry on their holy mission in dispensing the blessings which our faith is so well calculated to bestow. He thought of the necessity of diffusing religious education to the children of Israel; and with wise discrimination selected those institutions best calculated to farther this end, to make Jewish religion and Jewish literature accessible to the greatest number. He thought of those heavenly societies, whose mission it is to glide gently into the abodes of the poor, to leave the traces of benevolence, to cheer spirits which, without this, would droop into despair and gloom. He thought of the afflicted in the land of Israel, to provide for them assistance in their distress, and protection against the arm of violence; he, the merchant in the far West, who had lived for years separated from his people, almost a solitary worshiper of one God, amidst those who acknowledged Him not alone, forgot not those who still linger on the soil conse-

⁵ The will is appended as an appendix hereto chiefly because it is the best contemporary enumeration I know to be extant of the various Jewish communities of the United States and their institutions. Judah Touro obviously sought the best information obtainable concerning Jewish communities throughout the country, and came to their assistance in a will which seems to have omitted no deserving Jewish community.

crated by so many wonderful events which marked our early history, to cheer them on in the deprivations to which they are subjected.

One reading the will cannot regard it as accidental that he should have expressed his "earnest wish to co-operate with Sir Moses Montefiore of London, Great Britain, in endeavoring to ameliorate the condition of our unfortunate Jewish brethren," and to make a comparison between these two Jewish philanthropists of the nineteenth century is an obvious temptation.

At the funeral exercises at New Orleans, Jew and Gentile vied with each other in their expressions of grief and respect, and these were even more marked at the obsequies at Newport, Rhode Island, on June 6, of the same year, 1854, which were attended by delegations from the numerous organizations he had so generously remembered, coming from all over the land. By official resolution of the public authorities of Newport, which had benefited so largely by his philanthropy, his executors and all these delegations became the guests of the municipality. During the funeral procession, the bells of the various churches were tolled, and all places of business were closed. Among those who officiated at Newport were Rev. J. K. Gutheim of New Orleans, Isaac Leeser of Philadelphia, and Rev. M. J. Raphall and Rev. S. M. Isaacs of New York. A project to erect a monument to his memory was bitterly assailed, a few years later, as an alleged violation of Jewish law. Streets in both Newport and New Orleans were named after him in order to commemorate his generous philanthropy.

His tomb-stone, in the Newport Cemetery, bears the following appropriate inscription:

By righteousness and integrity he collected his wealth;
In charity and for salvation he dispensed it.

The last of his name, he inscribed it in the book of philanthropy

To be remembered forever.

WILL OF THE LATE JUDAH TOURO.

UNITED STATES OF AMERICA,

STATE OF LOUISIANA, CITY OF NEW ORLEANS.

Be it known that on this sixth day of January, in the year of our Lord eighteen hundred and fifty-four, and of the independence of the United States of America the seventy-eighth, at a quarter before 10 o'clock a. m.,

Before me, Thomas Layton, a Notary Public, in and for the city of New Orleans aforesaid, duly commissioned and sworn, and in presence of Messrs. Jonathan Montgomery, Henry Shepherd, Jr., and George Washington Lee, competent witnesses, residing in said city, and hereto expressly required—

Personally appeared Mr. Judah Touro, of this city, merchant, whom I, the said Notary, and said witnesses, found sitting in a room, at his residence, No. 128 Canal Street, sick of body, but sound in mind, memory, and judgment, as did appear to me, the said Notary, and to said witnesses. And the said Mr. Judah Touro requested me, the Notary, to receive his last will or testament, which he dictated to me, Notary, as follows, to wit, and in presence of said witnesses:

1. I declare that I have no forced heirs.
2. I desire that my mortal remains be buried in the Jewish Cemetery in Newport, Rhode Island, as soon as practicable after my decease.
3. I nominate and appoint my trusty and esteemed friends Rezin Davis Shepherd of Virginia, Aaron Keppell Josephs of New Orleans, Gershom Kursheedt of New Orleans, and Pierre Andre Destrac Cazenave of New Orleans, my testamentary executors, and the detainers of my estate, making, however, the following distinction between my said executors, to wit: To the said Aaron Keppell Josephs, Gershom Kursheedt, and Pierre Andre Destrac Cazenave, I give and bequeath to each one separately, the sum of ten thousand dollars, which legacies I intend respectively, not only as tokens of remembrance of those esteemed friends, but also as in consideration of all services they may have hitherto, rendered me, and in lieu of the commissions to which they would be entitled hereafter in the capacity of Testamentary Executors as aforesaid. And as regards my other designated executor, say my dear, old and devoted friend, Rezin Davis Shepherd, to whom, under Divine Providence, I was greatly indebted for the preservation of my life when I was wounded on the 1st of January, 1815,

I hereby appoint and institute him, the said Rezin Davis Shepherd, after the payment of my particular legacies and the debts of my succession, the universal legatee of the rest and residue of my estate, movable and immovable.

In case of the death, absence or inability to act of one or more of my said Executors, I hereby empower the remaining Executor or Executors to act in carrying out the provisions of this my last will; and in the event of the death or default, of any one or more of my said Executors before my own demise; then and in that case, it is my intention that the heirs or legal representatives of those who may depart this life before my own death, shall inherit in their stead the legacies herein above respectively made to them.

4. I desire that all leases of my property and which may be in force at the time of my demise, shall be faithfully executed until the same shall have expired.

5. I desire that all the estate, real, personal and mixed, of which I may die possessed, shall be disposed of in the manner directed by this my last will or testament.

6. I give and bequeath to the Hebrew Congregation the "Dispersed of Judah" of the City of New Orleans, all that certain property situated in Bourbon Street, immediately adjoining their Synagogue, being the present schoolhouse, and the residence of the said Mr. Gershom Kursheedt, the same purchased by me from the bank of Louisiana; and also to the said Hebrew Congregation, the two adjoining brick houses purchased from the heirs of David Urquhart, the revenue of said property to be applied to the founding and support of the Hebrew school connected with said Congregation, as well as to the defraying of the salary of their Reader or Minister, said property to be conveyed accordingly by my said executors to said Congregation with all necessary restrictions.

7. I give and bequeath to found the Hebrew Hospital of New Orleans the entire property purchased for me, at the succession sale of the late C. Paulding, upon which property the building now known as the "Touro Infirmary" is situated; the said contemplated Hospital to be organized according to law, as a charitable institution for the relief of the indigent sick, by my executors and such other persons as they may associate with them conformably with the laws of Louisiana.

8. I give and bequeath to the Hebrew Benevolent Association of New Orleans five thousand dollars.

9. I give and bequeath to the Hebrew Congregation "Shan-garai Chassed" of New Orleans five thousand dollars.

10. I give and bequeath to the Ladies' Benevolent Society of New Orleans, the sum of five thousand dollars.
11. I give and bequeath to the Hebrew Foreign Mission Society of New Orleans, five thousand dollars.
12. I give and bequeath to the Orphans' Home Asylum of New Orleans, the sum of five thousand dollars.
13. I give and bequeath to the Society for the relief of Destitute Orphan Boys in the Fourth District, five thousand dollars.
14. I give and bequeath to the St. Armas Asylum for the relief of destitute females and children, the sum of five thousand dollars.
15. I give and bequeath to the New Orleans Female Orphan Asylum, at the corner of Camp and Prytania streets, five thousand dollars.
16. I give and bequeath to the St. Mary's Catholic Boys' Asylum, of which my old and esteemed friend Mr. Anthony Rasch is chairman of its Executive Committee, the sum of five thousand dollars.
17. I give and bequeath to the Milne Asylum of New Orleans, five thousand dollars.
18. I give and bequeath to the "Firemen's Charitable Association" of New Orleans, five thousand dollars.
19. I give and bequeath to the "Seamen's Home," in the First District of New Orleans, five thousand dollars.
20. I give and bequeath, for the purpose of establishing an "Alms House" in the City of New Orleans, and with a view of contributing, as far as possible, to the prevention of mendicity in said city, the sum of eighty thousand dollars, (say \$80,000) and I desire that the "Alms House" thus contemplated shall be organized according to law; and further, it is my desire that after my executors shall have legally organized and established said contemplated Alms House, and appointed proper persons to administer and control the direction of its affairs, then such persons legally so appointed and their successors, in office, conjointly with the Mayor of the City of New Orleans, and his successors in office, shall have the perpetual direction and control thereof.
21. I give and bequeath to the City of Newport, in the State of Rhode Island, the sum of ten thousand dollars, on condition that the said sum be expended in the purchase and improvement of the property in said city, known as the "Old Stone Mill," to be kept as a public park or promenade ground.
22. I give and bequeath to the "Redwood Library" of Newport aforesaid, for books and repairs, three thousand dollars.

23. I give and bequeath to the Hebrew Congregation "Ohabay Shalome" of Boston, Massachusetts, five thousand dollars.

24. I give and bequeath to the Hebrew Congregation of Hartford, Connecticut, five thousand dollars.

25. I give and bequeath to the Hebrew Congregation of New Haven, Connecticut, five thousand dollars.

26. I give and bequeath to the North American Relief Society, for the Indigent Jews of Jerusalem, Palestine, of the City and State of New York (Sir Moses Montefiore of London, their agent), ten thousand dollars.

27. It being my earnest wish to co-operate with the said Sir Moses Montefiore of London, Great Britain, in endeavoring to ameliorate the condition of our unfortunate Jewish Brethren, in the Holy Land, and to secure to them the inestimable privilege of worshipping the Almighty according to our religion, without molestation, I therefore give and bequeath the sum of fifty thousand dollars, to be paid by my Executors for said object, through the said Sir Moses Montefiore, in such manner as he may advise, as best calculated to promote the aforesaid objects; and in case of any legal or other difficulty or impediment in the way of carrying said bequest into effect, according to my intentions, then and in that case, I desire that the said sum of fifty thousand dollars be invested by my Executors in the foundation of a Society in the City of New Orleans, similar in its objects to the "North American Relief Society for the Indigent Jews of Jerusalem, Palestine, of the City of New York," to which I have before referred in this my last will.

28. It is my wish and desire that the Institutions to which I have already alluded in making this will, as well as those to which in the further course of making this will, I shall refer, shall not be disqualified from inheriting my legacies to them respectively made, for reason of not being incorporated, and thereby not qualified to inherit by law; but on the contrary, I desire that the parties interested in such institutions and my executors shall facilitate their organization as soon after my decease as possible, and thus render them duly qualified by law to inherit in the premises according to my wishes.

29. I give and bequeath to the Jews' Hospital Society of the City and State of New York twenty thousand dollars.

30. I give and bequeath to the Hebrew Benevolent Society "Meshibat Nafesh" of New York, five thousand dollars.

31. I give and bequeath to the Hebrew Benevolent Society "Gemilut Chased" of New York, five thousand dollars.

32. I give and bequeath to the "Talmud Torah" School Fund attached to the Hebrew Congregation "Shearith Israel," of the City of New York, and to said Congregation, thirteen thousand dollars.

33. I give and bequeath to the Educational Institute of the Hebrew Congregation "B'nai Jeshurun" of the City of New York, the sum of three thousand dollars.

34. I give and bequeath to the Hebrew Congregation "Shan-garai Tefila," of New York, three thousand dollars.

35. I give and bequeath to the Ladies' Benevolent Society of the City of New York, the same of which Mrs. Richey Levy was a directress at the time of her death, and of which Mrs. I. B. Kursheedt was first directress in 1850, three thousand dollars.

36. I give and bequeath to the Female Hebrew Benevolent Society of Philadelphia (Miss Gratz, Secretary), three thousand dollars.

37. I give and bequeath to the Hebrew Education Society of Philadelphia, Pennsylvania, twenty thousand dollars.

38. I give to the United Hebrew Benevolent Society of Philadelphia, aforesaid, three thousand dollars.

39. I give and bequeath to the Hebrew Congregation "Ahabat Israel," of Fell's Point, Baltimore, three thousand dollars.

40. I give and bequeath to the Hebrew Congregation "Beth Shalome," of Richmond, Virginia, five thousand dollars.

41. I give and bequeath to the Hebrew Congregation "Shearith Israel," of Charleston, South Carolina, the sum of five thousand dollars.

42. I give and bequeath to the Hebrew Congregation "Shan-garai Shamoyim," of Mobile, Alabama, two thousand dollars.

43. I give and bequeath to the Hebrew Congregation "Mikve Israel," of Savannah, Georgia, five thousand dollars.

44. I give and bequeath to the Hebrew Congregation of Montgomery, Alabama, two thousand dollars.

45. I give and bequeath to the Hebrew Congregation of Memphis, Tennessee, two thousand dollars.

46. I give and bequeath to the Hebrew Congregation "Adas Israel," of Louisville, Kentucky, three thousand dollars.

47. I give and bequeath to the Hebrew Congregation "Bnai Israel," of Cincinnati, Ohio, three thousand dollars.

48. I give and bequeath to the Hebrew School, "Talmud Yelodim," of Cincinnati, Ohio, five thousand dollars.

49. I give and bequeath to the Jews' Hospital, of Cincinnati, Ohio, five thousand dollars.

50. I give and bequeath to the Hebrew Congregation, "Tifereth Israel," of Cleveland, Ohio, three thousand dollars.

51. I give and bequeath to the Hebrew Congregation, "Bnai El," of St. Louis, Missouri, three thousand dollars.

52. I give and bequeath to the Hebrew Congregation, "Beth El," of Buffalo, New York, three thousand dollars.

53. I give and bequeath to the Hebrew Congregation of "Beth El," of Albany, New York, three thousand dollars.

54. I give and bequeath to the three following Institutions, named in the will of my greatly beloved brother, the late Abraham Touro, of Boston, the following sums:

First, to the Asylum of Orphan Boys, in Boston, Massachusetts, five thousand dollars.

Second. To the Female Orphan Asylum of Boston aforesaid, five thousand dollars.

Third. And to the Massachusetts Female Hospital, ten thousand dollars.

55. I give and bequeath ten thousand dollars for the purpose of paying the salary of a Reader or Minister to officiate in the Jewish Synagogue of Newport, Rhode Island, and to endow the Ministry of the same, as well as to keep in repair and embellish the Jewish Cemetery in Newport aforesaid; the said amount to be appropriated and paid, or invested for that purpose in such manner as my executors may determine concurrently with the corporation of Newport aforesaid, if necessary. And it is my wish and desire, that David Gould and Nathan H. Gould, sons of my esteemed friend the late Isaac Gould, Esq., of Newport aforesaid, should continue to oversee the improvements in said Cemetery and direct the same; and as a testimony of my regard and in consideration of services rendered by their said father, I give and bequeath the sum of two thousand dollars to be equally divided between them, the said David and said Nathan H. Gould.

56. I give and bequeath five thousand dollars to Miss Catharine Hays, now of Richmond, Virginia, as an expression of the kind remembrance in which that esteemed friend is held by me.

57. I give and bequeath to the Misses Catharine, Harriet and Julia Myers, the three daughters of Mr. Moses M. Myers, of Richmond, Virginia, the sum of seven thousand dollars, to be equally divided between them.

58. I give and bequeath the sum of seven thousand dollars to the surviving children of the late Samuel Myers, of Richmond, Virginia, to be equally divided between them, in token of my remembrance.

59. I give and bequeath to my friend Mr. Supply Clapp Twing, of Boston, Mass., the sum of five thousand dollars, as a token of my esteem and kind remembrance.

60. I give and bequeath the sum of three thousand dollars to my respected friend the Rev. Isaac Leeser, of Philadelphia, as a token of my regard.

61. I give and bequeath the sum of three thousand dollars to my friends the Rev. Moses N. Nathan, now of London, and his wife, to be equally divided between them.

62. I give and bequeath the sum of three thousand dollars to my friend the Rev. Theodore Clapp, of New Orleans, in token of my remembrance.

63. To Mistress Ellen Brooks, wife of Gorham Brooks, Esquire, of Boston, Massachusetts, and daughter of my friend and executor Rezin Davis Shepherd, I give the sum of five thousand dollars, the same to be employed by my executors, in the purchase of a suitable memorial to her as an earnest of my very kind regard.

64. I give and bequeath the sum of twenty-five hundred dollars, to be employed by my executors in the purchase of a suitable memorial of my esteem, to be presented to Mrs. M. D. Josephs, wife of my friend, Aaron K. Josephs, Esq., of this city.

65. I give and bequeath the sum of twenty-five hundred dollars to be employed by my executors in the purchase of a suitable memorial of my esteem for Mistress Rebecca Kursheedt, wife of Mr. Benjamin Florance, of New Orleans.

66. I revoke all other wills or testaments, which I may have made previously to these presents.

Thus, it was, that this testament or last will was dictated to me, the notary, by the said testator, in presence of the witnesses herein above named, and undersigned, and I have written the same, such as it was dictated to me, by the testator, in my own proper hand, in presence of said witnesses; and having read this testament in a loud and audible voice to the said testator, in presence of said witnesses, he, the said testator, declared in the same presence, that he well understood the same and persisted therein.

All of which was done at one time without interruption or turning aside to other acts.

Thus done and passed at the said City of New Orleans, at the said residence of the said Mr. Judah Touro, the day, month and year first before written in the presence of Messrs Jonathan Montgomery, Henry Shepherd, Jr., and George Washington Lee,

all three being the witnesses as aforesaid, who, with the said testator, and me, the said notary, have hereunto signed their names.

(Signed.)

J. TOURO,

J. MONTGOMERY,

H. SHEPHERD, JR.,

GEO. W. LEE,

THOS. LAYTON, *Notary Public.*

ISAAC DE PINTO.

A NOTED EUROPEAN PUBLICIST AND DEFENDER OF GREAT BRITAIN'S POLICY DURING THE AMERICAN REVOLUTION.

BY LEON HÜHNER, A. M., LL. B.

Some years ago Mr. Kelby, the learned Secretary of the New York Historical Society, called my attention to a copy of the first Jewish Prayer-Book published in America, which belongs to the Society's library. This is the well-known prayer-book translated by Isaac Pinto and published in 1766.¹

Aside from the fact that it was published at New York, the work is rendered even more interesting because it does not contain the original Hebrew, the translator expressly stating in the preface that "Hebrew being imperfectly understood by many and by some not at all," it is necessary to translate our prayers into the language of the country.²

But the copy belonging to the New York Historical Society has still a further interest. A pencil note on the blank page opposite the title reads, "Isaac Pinto was a Portuguese Jew residing for some time in New York. He was opposed to the

¹ "Prayers for Shabbath, Rosh-Hashanah and Kippur or the Sabbath, the beginning of the year and the Day of Atonements; with the Amidah and Musaph of the Moadim, or Solemn Seasons according to the order of the Spanish and Portuguese Jews." Translated by Isaac Pinto and for him printed by John Holt in New York, A. M. 5526.

² It seems that the Mahamat of the London Congregation would not permit the work to be published in England. See Joseph Jacobs and Lucien Wolf in *Bibliotheca Anglo-Judaica*, London, 1888, p. 174. Also Lady Magnus, "Outlines of Jewish History," Phila., 1890, p. 348; Gaster, "History of Bevis Marks Congregation."

American Revolution and wrote several pamphlets sustaining the measures of the British Government."

Such a statement would naturally arouse curiosity. Investigation revealed the fact that the statement was absolutely incorrect. I told Mr. Kelby of my conclusion, but was informed that as the pencil note was in the book when purchased by the Society at the Brinley sale, he was not at liberty to erase it. This paper was partly prepared to correct the note referred to.

The investigation made in that connection brought to light an interesting character who, while only remotely connected with American affairs, was so prominently identified with the history of his own country and the welfare of his race, as to deserve a more than passing notice.

Isaac Pinto, the author of the prayer-book, was not a Tory at all. He was a well-known resident of New York.³ As a matter of fact, far from being Tories, the Pintos were staunch adherents to the patriot cause during the entire struggle for Independence and their names are constantly met with in Revolutionary records.⁴

There was, however, another Isaac Pinto who never lived in America at all, whose sympathies during the Revolution were

³ Born about 1721, d. Jan. 17, 1791. He was also a friend and correspondent of Ezra Stiles, the famous President of Yale College, who mentions him in his diary as late as 1790, as "a learned Jew at New York." See "The Literary Diary of Ezra Stiles," edited by F. B. Dexter, N. Y., 1901; George A. Kohut, "Ezra Stiles and the Jews," N. Y., 1902; Morris Jastrow, in *American Jewish Historical Society Publications*, Vol. X, p. 29; also article concerning him by the present writer in the *Jewish Encyclopedia*, Vol. X.

⁴ The most prominent members of the family were Solomon Pinto, who served in the Connecticut Line throughout the Revolutionary War, and was one of the original members of the Society of the Cincinnati in that State, and Jacob Pinto, his brother, also a conspicuous patriot. See sketches of both by the present writer in Vol. X of *Jewish Encyclopedia*, and in "The Jews of New England prior to 1800," where the authorities are collected.

decidedly with the British. It is this gentleman, by far more prominent than the other, whom the writer of the note undoubtedly had in mind, when he confused him with the translator of the Hebrew Prayer-Book.

This foreigner, Isaac Pinto or Isaac de Pinto, as the name is more commonly found, was a man of such decided prominence that the writer may well be pardoned for calling attention to his remarkable career, which now appears to be well-nigh forgotten.

Isaac de Pinto was a Portuguese Jew, born at Amsterdam about the year 1715. He lived in his native city for a number of years and then for a time at Bordeaux. Later on and for the greater part of his career he lived at The Hague, where he died on August 13, 1787, at the age of 72. He never visited America.⁵

As a child he was very precocious, his first literary work having been produced at the early age of fifteen.

⁵ For the details of De Pinto's career I am indebted to articles or notices in the following works:

Biographie Universelle (Michaud), *Ouvrage rédigé par une Société de Gens de Lettres et de Savants*, Paris, Vol. XXXIII, pp. 383, &c. This contains by far the most complete sketch.

Pierre Larousse, *Dictionnaire Universel du XIX Siècle*, Paris, 1874, Vol. XII, pp. 1041, &c.

Nouvelle Biographie Générale, Paris, 1866, Vol. XL, pp. 282, &c.
Jaarboeken voor Israeliten van 1837, pp. 157-196.

H. J. Koenen, *Geschiedenis door Joden in Nederland*, Utrecht, 1843, pp. 212-213.

I. da Costa, *Israel in de Volken*, 1876, p. 289.

Maatschappij tot mit der Israeliten in Nederland, Vol. I, pp. 103, 105, 124-5.

Register op de Kronyk van het Historisch Genootschap gevistigd to Utrecht, 1846-54, Vol. II, pp. 35, 327.

Barbier, *Dictionnaire des anonymes*.

Dictionnaire d' économie polit.

Querard, *La France littéraire*.

Allgemeine Liter. Zeitung, 1787.

McClintock & Strong *Encyclopedias*, VIII, 220.

He either inherited or soon acquired immense wealth, for quite early in life he is mentioned as conspicuous for his great fortune, his vast knowledge, and his unbounded generosity.

His education must have been conducted most carefully; and his talents must have been great indeed, for while still a very young man he numbered among his close friends and associates the leading statesmen and men of letters of Holland, France, and England.⁶

Even before 1748, that is, before he was thirty-three years of age, he had already acquired a reputation beyond the confines of his native land. When, in that year, William IV became Stadthoulder of Holland, Pinto was one of the first to be taken into his confidence. With him, the prince consulted on important questions of finance, political economy, and more particularly on the administration of the Colonies, subjects on which, we are told, Pinto was considered an authority.

At this period the East India Company had become a very corrupt organization. Its administration of the Indies had been marked by constant scandal. One of the first acts of the new Stadthoulder's confidential adviser was to set to work to remedy existing abuses, and it was largely due to his efforts that the reform movement was crowned with success and that he ultimately succeeded in securing the election of the Prince Stadthoulder as director-general of the Company. Soon after a similar dignity was conferred upon William IV by the West India Company, due largely to the same influences.⁷

When William was proclaimed in 1748, he found the United Provinces in deplorable condition. Internal strife had done its pernicious work, a great crisis was at hand. A calamitous war had brought the victorious French under Louis XV to

⁶ Pierre Larousse, *Dictionnaire Universel du XIX Siècle*, Paris, 1874, Vol. XII.

Biographie Universelle (Michaud), Vol. XXXIII.

Nouvelle Biographie Générale, Paris, 1866, Vol. XL.

⁷ Articles in Pierre Larousse, *Dict. Universel* and in *Biog. Univ.*

the very borders of the country and the outlook was dark indeed. To young Pinto it was that the new ruler turned for advice. Pinto's family, it is stated, was one of the most distinguished and wealthy in Europe, and by utilizing this family influence no less than by his own great talents for finance, he soon managed to turn vast resources into the public treasury. His unselfish patriotism seems to have been greatly appreciated by his fellow-citizens. In fact the Treasurer-General of the Netherlands, M. Van Hogendorp, referred to Pinto in the following words: "Il avait sauvé l'état." (He saved the State.)

It is as "Savior of the State" that the name of this remarkable man has been handed down to posterity, and that expression is almost invariably associated with his name whenever mentioned.⁸

Part of Pinto's success was due to diplomatic ability. While reforming abuses, he frequently and with great delicacy even shielded those who were the chief opponents of his plans.

It would be tedious indeed to give a list of the reforms he inaugurated. His supreme influence was, however, unfortunately cut short by the untimely death of William IV, an event which plunged the entire nation into mourning.

Thereafter, for several years, Pinto lived at Paris and later on at London, in both of which places he was the intimate associate of the leading men of the day. His reputation had preceded him, and the fact that he spoke and wrote French and English with grace and facility gave him a decided advantage.

Most of his works are written in French; the more important deal with subjects relating to political economy and philosophy. Among others might be mentioned "An Essay on

⁸ *Biographie Universell* (Michaud), Vol. XXXIII.

Pierre Larousse, *Dictionnaire Universell*, Vol. XII.

Nouvelle Biographie Générale, Vol. XL.

Luxury," published in 1762; "On Materialism," published in 1771; and a "Treatise on Credit," published the same year.⁹

The last-named gives a description of Stock Exchange transactions, and Palgrave remarks that Pinto was among the first to advocate public debts, which he considered a cause of a nation's prosperity.

As an economist, he ranked among the foremost thinkers of his day. A notice of his works may be found in the *Dictionary of Political Economy*, published in 1899.¹⁰

It was while Pinto was residing at Paris that Voltaire brought out his slurs upon the Jews in an article in the *Dictionnaire Philosophique*. De Pinto at once set to work to combat the aspersions cast upon his race, and the result was a widely read pamphlet entitled, "Critical Remarks on M. de Voltaire's Views Concerning the Jews."¹¹ This was published in 1762 and a copy sent to Voltaire by the author. In the letter accompanying the pamphlet De Pinto reminded the great Frenchman of their pleasant meeting at The Hague several years before, and assured him of his great regard for his opponent's works, a fact which, he said, made the views expressed concerning the Jews all the more to be regretted.

In the published correspondence of Voltaire, under date of July 21, 1762, may be found Voltaire's reply to De Pinto, a most interesting letter throughout. It is addressed to "M. de Pinto, Portuguese Jew," and is signed "Voltaire, a Chris-

⁹ *Précis des arguments contre les matérialistes* (Hague, 1771, 1774, 1776); *Traité de la circulation et du crédit* (Amsterdam, 1771, 1773, 1781). This was soon translated into both English and German.

In addition there might also be mentioned *Essai sur le luxe* (Amsterdam, 1762), and *Du jeu de cartes* (*Lettre à Diderot*, 1768.)

See also articles mentioned in note 8.

¹⁰ *Dictionary of Political Economy*, edited by R. H. Inglis Palgrave, Vol. III, p. 109 (London).

¹¹ *Apologie pour la nation juive ou Réflexions critiques sur le premier chapitre du septième tome des Oeuvres de M. de Voltaire au sujet des juifs* (1762).

tian." The portion most interesting to us reads as follows: "The remarks, my dear sir, of which you complain, are both prejudiced and unjust. Your letter has sufficiently convinced me that there are among you most learned and most estimable men. I shall incorporate a note to that effect in the new edition of my work. When a man has been mistaken, he ought to right the wrong, and I certainly was mistaken in attributing to a race the vices of a few individuals."¹²

Pinto also published a work entitled, "Apology for the Jews."¹³ Though tolerant in tone and widely read on account of the great learning displayed therein, its author committed the grave error of drawing sharp distinctions between the German and the Portuguese Jews. At the same time, he expressed his sincere admiration for what he called the great school of Mendelssohn. The discriminations referred to, at once raised a storm of criticism both in France and England, becoming the subject of magazine articles both in Paris and London as late as 1768.¹⁴ To Pinto's credit be it said, he soon realized his error and replied with dignity becoming a gentleman, stating that he never intended to hurt the feelings of his co-religionists whether followers of the German or of the Portuguese ritual.

It has been frequently claimed that it was Pinto's pamphlet that induced Guénée to attack Voltaire under the mask of *Quelques Juifs*. Certain it is that Guénée and Pinto were acquainted and that the latter's pamphlet was incorporated in the first edition of the former's work.¹⁵

¹² *Oeuvres Complètes de Voltaire*, Paris, 1876, Tome XII, p. 318, &c.

See also *Nouvelle Biographie Générale*, Paris, 1866, Vol. XL.

¹³ *Ibid.*

¹⁴ The chief periodicals taking up the controversy were the *Monthly Review* and the *Bibliothèque des Sciences et des Arts*. A pamphlet also appeared at London entitled, *Réflexions critiques sur l'apologie de la nation juive par un Vénitien* (1768). The present writer ventures to suggest that the author may have been the father of the elder D'Israeli.

¹⁵ *Nouvelle Biographie Générale*, Vol. XL.

Among other intimate friends of the subject of this sketch are stated to have been Hume, the historian, Stewart, the philosopher, Mirabeau, and Pereire.¹⁶

Time and again M. de Pinto was called upon by his oppressed brethren to plead their cause with his powerful friends. One such occasion occurred at Paris in 1768, when some hostile legislation was contemplated. His efforts on that occasion are reflected in an interesting correspondence which appeared in London entitled, "Lettre d'un milord à son correspondant à Paris."

In 1762 the Portuguese Jewish community at Bordeaux addressed itself to "the famous M. de Pinto," requesting him to use his influence with the Maréchal Duc de Richelieu in their behalf. The matter was brought to a successful issue, and on this occasion it was, that the Prime Minister, acceding to De Pinto's request, wrote at the same time a most flattering personal note.¹⁷

Though a censorship existed in France and though pressure was brought to bear on the censor to suppress the "Apologie" criticising the work of Voltaire, the Sorbonne, we are told, had so high a regard for the author, that the work was not interfered with.

It has already been stated that Pinto had won an international reputation as an economist and financier. So highly was his learning on these subjects esteemed, that when the Treaty of Fontainebleau was being negotiated, the English Ambassador, the Duke of Bedford, requested M. de Pinto to write a memorial on one of the important points in controversy concerning the affairs of the East Indies. It is stated that the work that came from Pinto's pen was so explicit and

¹⁶ Pierre Larousse, *Dictionnaire Universell*, Vol. XII. Pereire was an eminent Jewish physician and remembered as the promoter of the instruction of deaf mutes.

¹⁷ Théophile Malvezin, *Histoire des Juifs à Bordeaux* (Bordeaux, 1875), pp. 213-5, 233-4; see also *Biographie Universelle* (Michaud), Vol. XXXIII.

powerful that it materially shortened the negotiations. So delighted was the Company of the Indies with the result that it promptly voted the author a life pension of £500 sterling.¹⁸

Thereafter, the Company requested him to become its special agent. This honor he declined, stating that he was a Dutchman, and his acceptance might materially interfere with the interests of his native land.

Though appreciating the patriotism implied in this refusal, the great Company was nevertheless unwilling to lose the chance of enlisting his talents. The request was, therefore, renewed with the modification that M. de Pinto was to defend the interests of the Company in all matters not inconsistent with his duties as a citizen of the Netherlands.

This modification finally induced him to accept, and from that time on, he was unremitting in furthering the interests of both the Dutch and the English. His rare tact and good judgment frequently smoothed the road where friction seemed imminent. One French biographer sums up his effort in this connection, by saying, "Pinto's indeed was a great mind. He was essentially a promoter of peace in the civilized world."¹⁹

Aside from his prominence as a Jew and a scholar, Isaac de Pinto has additional interest for us because of his connection with the American Revolution.

When hostilities broke out in 1776, De Pinto, like most men of prominence in that day, at once became interested in the merits of the controversy and the probable outcome of the struggle. It must not be forgotten that both in England and on the Continent, some of the leading thinkers, more particularly the economists and philosophers, were bitterly opposed to the Americans and their demands. Among these, one need only mention Dr. Samuel Johnson, Hume, and Adam Smith.

De Pinto, as we have seen, was the intimate associate of such men, his friendship for the Duke of Bedford and for those who stood close to the national policy of Great Britain,

¹⁸ *Ibid. Histoire des Juifs a Bordeaux.*

¹⁹ *Ibid.*

made it but natural perhaps that he should espouse the cause of the government. His connection with the Dutch and English Companies, no less than his love for peace and commercial prosperity, may, likewise, have contributed to make him lose sight of the broader issues involved. Certain it is that he viewed the struggle not from a sentimental but from a purely economic point of view.

Early in 1776 and throughout the rest of that year, there appeared from his pen a number of pamphlets written in French, on the subject of American affairs. These were printed at The Hague and were widely read. Translations appeared shortly afterward in several languages, and for obvious reasons the British Government had a special English translation prepared, which was circulated throughout Europe and America.²⁰

These pamphlets were in the form of letters. The first of the series was entitled "Letter of M. de Pinto to Mr. S. Barretto, Doctor of Medicine in Kingston, Jamaica, concerning the Troubles now agitating all North America." The writer pretends to have received a letter from his friend in Jamaica requesting to be enlightened on the subjects in controversy and then proceeds to discuss the subject at length.²¹

This was followed by a second pamphlet likewise in French entitled, "Second Letter of M. de Pinto concerning the Troubles in the Colonies with political reflections concerning the Outcome of the Controversy and the present state of England."²²

²⁰ See also "Letters on the American Troubles," translated from the French of M. de Pinto, London, John Boosey and J. Forbes, 1776.

²¹ "Lettre de M. . . . à M. S. B. Docteur en Médecine à Kingston, dans la Jamaique au sujet des Troubles qui agitent actuellement toute l'Amérique Septentrionale." A La Haye, Pierre Frederic Gosse, 1776, pp. 29.

²² "Seconde Lettre de M. de Pinto à l'occasion des Troubles des Colonies contenant des Réflexions politiques sur les suites de ces troubles et sur l'état actuel de l'Angleterre." A La Haye, Pierre Frederic Gosse, 1776, pp. 90.

Contemporary writers inform us that these letters at once brought their author a widespread reputation as a publicist. They certainly attracted the notice of the patriots in America, being republished and discussed in the American newspapers. Strangely enough, however, contemporary American correspondence contains but scant references to Pinto. That his writings caused considerable uneasiness to those who were busy enlisting foreign sympathy in favor of America and that they aroused much bitter feeling among the champions of the Colonists, is very evident from the few references in existence.

Thus, in 1776, C. W. F. Dumas, a Swiss employed by the American Committee on Correspondence in Holland, wrote to Benjamin Franklin as follows: "I am very glad that the Statement of the Points in Dispute between Great Britain and the Colonies has been approved so far as to cause it to be printed for the instruction of your friends the Canadians. . . . I have obtained the author's address for the purpose of engaging him to assist me in refuting the Jew Pinto whose venal pen has been employed in the most insolent manner against the Americans.

"A certain person whom you know, regrets having allowed himself to be dazzled by his financial system, so far as to approve it without reserve in a letter at the head of the treatise on circulation; for, although there are some good things in it here and there, yet that person has long since been enlightened in regard to many false brilliants which the Jew passed off for genuine."²³

Prior to this, however, there had appeared at London a reply to Pinto written likewise in French and entitled, "Observations d'un homme impartial sur la lettre de M. de Pinto."²⁴

²³ Sparks, "Diplomatic Correspondence of the American Revolution," IX, p. 265.

Dumas was afterward secretary to Adams, while the latter was minister to Holland. See *ibid.*, p. 253.

The letter above mentioned is dated Utrecht, April 30, 1776.

²⁴ See Joseph Sabin, "A Dictionary of Books relating to Amer-

Sabin expresses the view that this work in all likelihood was printed in Holland, though apparently published in London.²⁵ The identity of the writer has never been ascertained. The pamphlet controverts Pinto's reasoning, and its author shows himself not only thoroughly conversant with American affairs, but to have been a zealous defender of the Colonies. The subject of our sketch lost no time in issuing another pamphlet entitled, "Réponse de M. Isaac de Pinto aux Observations, &c."²⁶ This in turn elicited a further reply to "little Isaac" as M. de Pinto is nicknamed therein.²⁷

In the American Archives, appears a letter written August 13, 1776, by Arthur Lee, then in London, to Dumas. In it he refers to the Pinto pamphlets with considerable feeling and to Adam Smith, the author of the "Wealth of Nations," as the well-known enemy of America. Part of the letter is as follows: "I now enclose you several pamphlets which contain such an authentick state of facts and such arguments on the American question, as will enable its advocates with you, to maintain their ground against the pensioner of this Court. I beg particularly that you will send some of them to the gentleman who has answered Pinto, the pensioner of this Court."²⁸

ica," N. Y., 1885, Vol. XIII, No. 56,470. Also, *Monthly Review*, Vol. LV, p. 397.

The title-page reads "Observations d'un Homme Impartial sur la Lettre de M. . . . à M. S. B. Docteur en Médecine à Kingston dans la Jamaique," Londres, 1776.

²⁵ *Sabin's Dictionary*, &c., Vol. XV. See also *ibid.*, Vol XIII, Nos. 56,095 and 56,470.

²⁶ "Réponse de M. I. de Pinto aux Observations d'un homme impartial, sur sa Lettre à M. S. B. Docteur en Médecine à Kingston dans la Jamaique au sujet des Troubles qui agitent actuellement toute l'Amérique Septentrionale." A La Haye, Chez Pierre Frederic Gosse, 1776, p. 60.

²⁷ See also O. Rich, *Bibliotheca Americana Nova*, N. Y., 1835, Vol. I, p. 247.

²⁸ *American Archives*, 5th series, Vol. I (1776), p. 929.

These remarks concerning Pinto were as unjust as they were untrue. It was probably well known that years before he had accepted from the India Company a life pension of £500 sterling for his brilliant services in connection with the Treaty of Fontainebleau, and this pension is in all likelihood the one Lee has in mind. De Pinto's great wealth and the whole course of his life would of themselves be sufficient arguments to refute any charge of insincerity.

One curious fact is brought out by Pinto's pamphlets. While the writer was defending the policy of Great Britain, he does so by a course of reasoning from premises which, at that time, were considered well-established principles of economics and finance. He entirely ignores the sentimental side of the controversy. At the same time, however, he proves himself a far-seeing man of affairs, for while he argues that the war against the Colonies was a just war, he at the same time frankly admits, "that he is persuaded that America will in the end be free."²⁹ A curious prediction to have been made as early as 1776.

In conclusion, it may not be amiss to note, that complete editions of M. de Pinto's works appeared in both France and Germany before the close of the eighteenth century.³⁰ Unfortunately none of these various editions are to be found in any of our public libraries.

Despite the sneering remarks of both Dumas and Lee, the fact remains that whenever De Pinto's name is mentioned in any English, German, or French work, he is uniformly spoken of with the highest respect. A French writer gives the following estimate of the man: "His varied knowledge, his wonderful mind, his generous heart, ready to make those sacrifices which he believed his great fortune made it his duty to

²⁹ See also Joseph Sabin, *A Dictionary of Books, etc.*, N. Y., 1885, Vol. XV.

³⁰ *Nouvelle Biographie Générale*, Vol. XL. Editions were published at Amsterdam, 1777, and at Leipzig, 1777.

make, all these brought him in contact with the best society and made him sought by the statesmen and men of letters of his day, no less than by the great men of the world.³¹

³¹ *Biographie Universelle* (Michaud), Paris, Vol. XXXIII, p. 383.

ADDITIONAL NOTES ON THE HISTORY OF THE JEWS IN SURINAM.

BY REV. J. S. ROOS, *Rabbi Dutch Congregation, Paramaribo.*

PARAMARIBO, MARCH 15, 1905.

MAX J. KOHLER, Esq., Corresponding Secretary of the American Jewish Historical Society, New York.

Dear Sir—It is nearly two years since I received your first letter asking for information about the history of Jewish settlement in Surinam. In the meantime I have made researches at: 1st, the old Colonial archives (By special resolution of the Governor of Surinam I had to be admitted to them)—fairly well kept, but incomplete, most of the originals and some of the registers remaining at the Colonial department in Holland for studies; 2d, the records of the Portuguese Jewish Congregation, in very bad condition as regards documents of the seventeenth and eighteenth centuries, the whole lot of them being piled up in a mouldy wooden trunk, the greater part falling into small pieces when removed; and, 3d, the records of the Dutch Jewish Congregation, beginning only with 1735, the time of separation of the congregations. I mean to give you now a few annotations as the result of my investigations:

1. A document of great worth in my opinion I found (Records Port. Congr.) in the following copy of Ketubah:

בשלישי בשבת ארבעה עשר יומם לחדר אלול שנת חמישת אלפים וארבע מאות ושלושה לבריאת עולם למן שאנו מונים פה שורינם איך החכם כמושחד יצחק מהטוב יצ"ו אמר למרת יהודית בת הנבר יהיאל מהטוב זיל בתולתא هو לי לאנטו כדת משה וישראל ואני בסיעתא דשמייא אפלח ואוקדר ואוון ואפרנס ואכסה יתיכי כהלוות נוברין יהודאין דפלחין

ומוקרים זונין ומפרנסין ומכסין ית נשיהון בקושטא ויהיבנה ליכי מוהר
בתוליכי כספ זוזי מאתן דחוו ליכי מרוארייתא ומזוניכי וסיפוקיכי
וכסותיכי ומישל לותחיכי באורה כל ארעה וצביאת מרת יהודית כלתא
בתולתא דא הניל' והות ליה ליחס חתן דנן הניל' לאנתו וצבי החתן
הניל' והוסיף לה מן דיליה שני אלף פלורינוס ממטרען מקום הניל'
ובך אמר לנו החתן הניל' אהירות וחומר שטר כתובתא דא קבילה
על' ועל יורתאי בתראי להתרפער מכל שפר אריג נכסין וקנין דאית ליל
תחות כל שםיא דקנין ואדעתיך אנה למקני נכסין דאית להון אהירות
ואנבן דלית להון אהירות כלhoneין יהון אהראין וערבאין למפרע מנהון
שטר כתובתא דאקבילה על' ועל יורתאי בתראי כאהירות וכחומר כל
שטרוי כתובות דנהני בבנות ישראל העשווין כתקון חז'ל מן יומא דנא
ולעלם דלא כאסמכתא ודלא כטופסי דשטרי וקנין מאן החכם כמההר
יצחק מהטוב חתן דנן הניל' לזכות כלתו מרת יהודית מהטוב כלתא
בתולתא הניל' הכל מאי דכתיב ומפורש לעיל במאן דכשר למקני ביה
קנין גמור ושלם והכל שריר ובריר וקיים

Estana firmado,
Is. MEATOB.

mais estana firmado,
DAVID Mh. MEZA.
IMANUEL DE SOLIS.

No. 4 of the publications of your Society, p. 2, has 1644 as the year of first settlement at Paramaribo; it appears from this Ketubah that the year should be given prior to 1643, as it is not likely that they married soon after their arrival, for they had to build houses and to prepare all necessities themselves.

2. This same document settles the question, who was the first Rabbi of Surinam (*Publications American Jewish Historical Society*, No. 5, pp. 119, *et seq.*). The title החכם and the reiteration והות ליה ליחס חתן דנן הניל' לאנתו together with the otherwise incomprehensible circumstance that the name of the father of the bridegroom is not called in the Ketubah, seem clearly to indicate, that his person was known and ascertained by his title Chacham, as is still the use of the

Sephardim to speak of the Chacham, without name. So I think that the first Rabbi of Surinam was this Ishac Meatob; but I can give no particulars as to his life or career.

In 1721 also there was a Chacham Meatob in Surinam as appears from the following document, the contents of which are likewise interesting.

ידע ליהו לעין כל קורא אין הנביר אברהם רפאל אריעו יצ'ו לך
לו לאישה בכתובתה וקדושין ברת משה וישראל את מרת אסתר דא
פונסיקא מיה ביום י"ז לחיש תשרי שנת התנ"ז לבריאת עולם והכניסה
לבעלה בנדוניתה שבעת אלפיים וחמש מאות פלוריינוס ועליהם הוסיף
הבעל הנ"ל מן דיליה שלושת אלפיים ושבע מאות וחמשים פלוריינוס
כى היכי דלהו לה בין הכל בכתובתה אחד עשר אלף ומאות וחמשים
פלוריינוס ואמר לנו הנביר הנ"ל שהם מעות עוכר לסוחר במדינת
הולנדיה והוסיף במקום זה על המطبע עשרים למאה סך אם כן
עכשו בכתובתה שלושה עשר אלף וחמש מאות פלוריינוס ממطبע המקום
זה והאחר החופה באו לידה מירושת בית אביה עשרה אלפיים פלוריינוס
ועוד מירושת אמה ארבעת אלפיים פלוריינוס כלם ממطبע הולנדיה שהם
עליהם ממطبע המקום זהה עשר אלף ושמנה מאות פלוריינוס
והכניסס לבעלה הנ"ל בנדוניתה וקבלם בעלה הנ"ל כאחריות צאן ברזל
ועליהם הוסיף מן דיליה שモנת אלפיים וארבע מאות וכלם בכתובתה
כיהיכי דלהו לה בין הכל בכתובתה עם השלושה עשר אלף וחמש מאות
פלוריינוס הנ"ל הנכתבם ונחתמים בשטר כתובתה ביום חתונתם ושמחת
לבם ביום ושנה הנ"ל שמנה ושלושים אלף ושבע מאות פלוריינוס ממطبע
המקום הזה על פי התנאים הנכתבם ונחתמים בשטר כתובתה הנ"ל
וקניאו מניאו והכל שיריר ובריר וקיים והנעשה בפניים כתבנו וחתמנו פה
שורינם היום יום אחד בשבת שבעה ועשרים יום לחיש טבת חמישת
אלפים וארבע מאות אחד ושמונים לבריאת עולם.

Estanão firmados,

Estana firmado,

o H: Hm. MEATOB.

ABM. RL. ARIAS.

IMANUEL MUSOFIA.

3. As to Pardo in Surinam (*Publications American Jewish Historical Society*, No. 5, p. 119, et seq.), there is a tombstone in the old cemetery of the Portuguese of "Josias Pardo, Amador de Siencia, Naceo no Reyno de Angliaterra na cidade de Londres no anno 5457 corresponde a 9 Abril de 1697 no primeiro dia de medianos de Pesach; Sen Padrinho y Madrinha de circumcicao forao o S. Ysac Rodrigues & a S^a D^a Sara Mulier de Jacob Texxeira, y Faleceo na colonia de Surinam na Poroacao de Paramaribo as 12 horas de dia em 12 Feb. 1760 correspondente a 24 Sebat do anno 5520" etc.

I thought this might be a son of David Pardo, who is stated to have come from London to Surinam; then it could give an indication about the arrival of David Pardo later than 1697. But as a son of David Pardo named Josiah is mentioned by Kayserling as residing in Curaçao and Jamaica and not in Surinam, I do not know if it was the same person.

4. *Publications American Jewish Historical Society*, No. 5, p. 120: Mr. Kohut amends in a note the date of the British proclamation of 1665 to be August 7 "not August 17 as Rev. E. Meyers has it," etc. The official Dutch translation (Col. Arch.) has also August 17 as the date; the words are: "terkennis van allen deesen, hebbe dit door ordre van "ter kennis van allen deesen, hebbe dit door ordre van Governr. Sÿnen Raad en assemblee onderteeckent op den 17 Augusty 1665, Jan Pary, Secretaris."

5. *Publications American Jewish Historical Society*, No. 4, p. 3, to be inserted before 1680:

1672. The first synagogue built on an elevated spot near the ten acres of land in Thorarica belonging to the Jews da Costa and Solis. There are still some tombstones with illegible Hebrew inscriptions.

6. In 1695 the Governor of Surinam invited the inhabitants to subscribe for the founding of a hospital at Paramaribo; the Jews subscribed as follows:

Daniel Messiah	700	lbs.	sugar.
Joseph Coronel	300	"	"
Jacob Rodriguez de Prado, Jr.....	300	"	"

Abraham Nunez Henriquez.....	100	lbs. sugar.
Abraham Pereyra	1000	" "
Abraham de Pina	200	" "
Abraham Crespo (!).....	100	" "
Abraham Arias	710	" "
Abraham Israel Pizarro	350	" "
Abraham Pinto de Affonseca.....	300	" "
Samuel Cohen Nassy	2000	" "
Abraham Nunez de Castro.....	500	" "
Abraham Isidro (!).....	300	" "
Abraham Henriquez de Barrios.....	50	" "
Alexander Car Moseh (!!).....	30	" "
Aharon Pereira	710	" "
David Mendes Meza	100	" "
David Lopez Henriquez	100	" "
David de Meza	710	" "
David Carrillo	250	" "
David de Moseh C. Nassy.....	100	" "
David de Moseh Montesinos.....	350	" "
David Juden	50	" "
Daniel Nunez Henriquez	50	" "
Debora de Souza Montesinos.....	25	" "
Ester de Avilar	710	" "
Gabriel de Matos	50	" "
Jacob Rodriguez de Prado.....	1400	" "
Jacob de Caseres Bravo.....	100	" "
Jacob de Meza.....	100	" "
Jacob Rodriguez Monsanto	100	" "
Jacob Coronel Chacaon (!).....	100	" "
Jacob Coronel Brandon	100	" "
Jacob y Jedidja da Costa.....	100	" "
Jacob Cohen Nassy	1400	" "
Jacob Abenacar	50	" "
Jeosuah Serfati Pina	1000	" "
Joseph de Britto	100	" "
Joseph Peregrino (!).....	50	" "
Ishack de Brito	710	" "
Ishack de David Pereyra.....	200	" "
Ishack de Pina	50	" "
Ishack Israel de Payva (!).....	300	" "
Ishack Lopez Mirandela	100	" "
Ishack Israel Ardinez (!).....	100	" "
Ishack Israel Moreno	700	" "

Ishack Israel Lorencillo (!).....	100	lbs. sugar.
Moseh C. Nassy	200	" "
Moseh Henriquez	1200	" "
Moseh da Costa	100	" "
Moseh Mendez	710	" "
Jacob Nunez Henriquez	200	" "
Moseh Rodriguez de Prado.....	100	" "
Moseh Bueno de Mesquita.....	200	" "
Michael Lopez Arias	100	" "
Ribea de Aharon da Costa.....	200	" "
Sara de Joseph C. Nassi.....	1000	" "
Sara de David de Fonseca.....	350	" "
Sara de Abraham da Costa.....	710	" "
Sara da Silva	1200	" "
Sabatay de Zamora (!).....	50	" "
Selomoh Gabay Sid	710	" "
Selomoh Rodriguez	100	" "
Samuel de la Parra	710	" "
Samuel y Jeosuah Drago (!).....	710	" "
—, widow of Isaac Israel Pereira..	350	" "
<hr/>		
Total	25905	" "

7. *Publications American Jewish Historical Society*, No. 4, p. 4, to be inserted after 1726:

1735. Separation of the "Hoogduytsche" (German) Jews from the Portuguese congregation by act of January 5, 1735, before the Governor. The former founded the congregation Newé Shalom, called after the synagogue of that name, which they obtained from the Port. by paying the amount at which it was estimated by a commission of three, appointed by the Governor and the two sections of Jews resp.; the act is signed: A. Henry de Cheusses (Governor), Samuel Uz. Davilar, Ishak Carrilho, Abm. Pinto Junior, Jehosuach C. Nassy, for the Port. Jews; Salomon Joseph Levie, I. Meyer, Wolff, Gerrit Jacobs, Jacob Arons Polak, for the German Jews. The Port. thereupon built a new synagogue, Tsédek Weshalom, which was dedicated 1737. The German stuck to the Port. minhag, as is rightly mentioned, p. 8, *ibid.*; the statement in the *Jewish Encyclopedia*, Vol. I, p. 494, "having two synagogues, one following the Spanish and the other the German rite," is incorrect; there never existed a synagogue with minhag ashkenaz in Surinam.

II.

1. *Publications American Jewish Historical Society*, No. 3, pp. 126, 127, it is left uncertain by Mr. Kohut whether the letter of the Jews in Surinam to Mr. Dohm, the friend of Mendelssohn, was ever published. It is printed after the preface of the "Essai Historique sur la Colonie de Surinam," Paramaribo, 1788. As this work is rather scarce I give you the reading of the letter and the answer to it:

Monsieur! Illustré & digne ami de l'Humanité!

Penetrés des sentimens que donne la reconnaissance aux coeurs honnêtes, nous osons rompre les bornes de la prudence pour faire passer cette lettre jusqu' à vous; l'hommage que l'humanité vous doit à de si justes titres; l'éternelle obligation que vous a la Nation Juive en général, vos idées, votre philosophie, votre impartialité, & votre zèle envers un peuple malheureux, immortaliseront votre nom; ceux qui en sont les objets, vous doivent sans cesse des hommages. Permettez donc, digne ami de l'humanité! que nous, en qualité de Régens et de représentans de la Nation Juive Portugaise, établie depuis plus d'un siècle en Surinam dans l'Amerique, vous en rendent par cette lettre; vous remercient de votre zèle pour l'ouvrage que vous avez bien voulu publier, concernant la réforme politique, ouvrage qui, quoique imprimé depuis 1782 n'est parvenu à notre connaissance que le mois passé, & quoiqu' en vertu de cette tolerance Philosophique qui est la devise de l'auguste république de Hollande, notre mère patrie, nous n' avons qu' à nous féliciter de notre sort; nous ne pouvons pourtant pas nous dispenser d' admirer, Monsieur! votre desintéressement; de benir le Dieu qui vous a inspiré cette vertu sublime qui régne dans votre cœur: de régarder votre ouvrage comme l'antidote de tous ces préjugés, qui regnent dans le cœur des hommes, envers ceux qui adorent le même Dieu, quoique avec d' autres manières; qu' enfin comme le fléau qui écrasera aux yeux des sages ceux qui nous persécutent, & l' égide qui nous défendra aux yeux de l'univers.

Recevez donc, Monsieur! notre foible hommage. Que l'âme du vertueux M. Bernouilli, votre digne traducteur, trouve auprès de notre père commun, la récompense de ses vertus, de son humanité & de son zèle, & pardonnez, Monsieur, le transport de reconnaissance qui nous a animé à vous écrire, agréez les vœux ardents que nous & toute la Nation faisons pour tout ce qui vous concerne;

que le Dieu de l'univers vous donne le pouvoir, vous cède la force d'être constamment l'appui des malheureux, & le défenseur des opprimés.

Nous sommes avec le plus profond respect, Monsieur!

Vos très humbles, très reconnaissans et très obéissants Serviteurs.

(Signé.) Les Régens de la Nation Juive Portugaise de Surinam.

D. D. J. C. Nassy, J. H. de Barrios, Jr.

S. H. Brandon, Mos. P. de Leon, S. H. de la Parra,

Is. de la Parra.

Surinam, Ce 10 Mars, 1786.

Monsieur L.' G. Dohm, Conseiller de Guerre, Archiviste & Sécrétaire privé au Département des affaires étrangères de S. M. le Roi de Prusse.

Réponse de M. C. G. Dohm, à la précédente Lettre.

Messieurs!—Ce n' est que depuis peu, que la Lettre obligeante dont vous m'avez voulu honorer en date du 10 Mars de l'année passée m' est parvenue par Berlin, que j'ai quitté depuis quelques mois, puisque le Roi, mon Maitre, m'a confié ici le poste de son Ministre Plénipotentiaire au cercle du Bas-Rhin.

Je ne saurois qu' être agréablement surpris en apprenant par votre lettre, que mon écrit, qui regarde votre Nation si injustement malheureuse presque partout, a pu percer jusqu' à vous; les sentimens qui m' ont guidé en le composant, devroient être ceux de tous les hommes de bien, de tous les vrais chrétiens & de tous les vrais politiques; leur simplicité, je l'espère, les fera pratiquer aussi dans la suite des Gouvernemens, & je me féliciterai toujours, si j'aurois pu être assez heureux pour y coöperer en quelque manière; mais jusqu' ici, je n'ai pas encore eu cette récompense; je viens d'apprendre au contraire presque dans le même moment que j'ai reçu votre lettre, qu'on a brûlé mon livre à Paris j'espère que cela n'es fait que par un malentendu, qu'on se hatera de réparer.

L'approbation que vous me témoignez, Messieurs! de l'autre bout du monde, m'est d'autant plus consolante; que vous jouissez du bonheur de ne connoître, que par les traditions de vos ancêtres, la manière dont on deprave votre Nation en Europe; votre situation fournit une preuve convaincante de ma thèse, que les Juifs sont capables, comme nous autres, d'être de bons citoyens, dès qu'on le leur permet. J'en pourrois faire peut-être une application utile, si vous voudriez me communiquer quelques détails sur

les avantages que votre Gouvernement sage & éclairé vous accorde; je serois curieux surtout de savoir, si on fait aussi, là où vous êtes, quelque(s) distinction entre votre Nation, & les autres Habitants? Est-ce que toutes les occupations, métiers, genre de commerce vous sont permis? jouissez-vous du droit de posséder des Plantages en propriété parfaite? n'avez-vous pas des impots particuliers? le nombre de vos familles est-il borné? avez-vous le droit de défendre la patrie commune comme Soldat, & de la servir comme Officier Civil ou Militaire.

Voila des questions que m'interessent beaucoup, & vous m'obligez de m'en donner une réponse authentique et détaillée, en y ajoutant aussi quelques notes historiques sur le sort que votre Colonie a essuyé depuis son commencement, dont je ne sais la date; sur les changemens, qu'on a pui faire dans vos privilèges & droits civils, sur l'état moral et politique de la Colonie, & sur les sentimens, que la justice du Gouvernement a du inspirer aux Chrétiens envers vous.

Si vous vouléz m'honorer d'une réponse, je vous prie de la faire passer par le couvert de Mr. Helleman van Eickelnberg, consul du Roi à Vlissingen.

Avec les vœux les plus sincères pour la durée non interrompue de votre bonheur, je vous temoigne la plus haute estime que votre lettre m'a du inspirer.

C'est avec ces sentimens que j'ai l'honneur d'être Messieurs!

Votre très humble & très obéissant serviteur,

(Signé) Dohm.

Cologne sur le Rhin, ce 29 Janvier, 1787.

Aux Régens & Réprésentans de la Nation Juive Portugaise à Surinam.

2. At the Colonial archives a folio MS. of 58 pages is to be found, titled: "Receuil der Privilegien vergunt aan die van de Portugeesche Joodsche Natie in de Colonie van Suriname," Suriname, MDXLVI. This year seems to be transposed for MDLXVI, as the two last privileges of the MS. are dated 1747 and 1754, or we must assume that these were added later on, though they are in the same hand as the remainder of the MS. It contains 9 chapters, as: 1st, General Privileges; 2d, on the Separation of the Portuguese and German Congregations; 3d, Jewish judiciary; 4th, on marriage con-

tracts or "Ketubas" (= Ketuboth); 5th, marriages; 6th, civil service; 7th, Sunday-rest; 8th, on the Savannah and Slaves; and 9th, on persons of bad behavior.

3. *Publications American Jewish Historical Society*, No. 3, p. 147, the footnote refers to four supplementary articles of rights added to the English Charter of Privileges. The 2d of them was the right of banishing troublesome people or persons of bad demeanour. The "deputies of the Jewish Nation" declared to the Governor the reasons why they wished to have these persons banished and then they were expulsed. I noted the following cases of such banishing:

1761. Salomon Montel, on request of the Port. deputies; because he refused to restitute rents or usury "which is contrary to the Mosaic law." In that year the Rabbis of the Port. Congregation were R. Elian Silo (or Sillo) and R. Mordecha Mendes Quiros. The former had incidentally excommunicated the Regents (deputies) of his own congregation.

1172. On request of the German deputies: Noach Isaaks.

1173. Request of the Port. Deput.: Abm Isac Moses Micael Fernandes Henriques alias *Escarabajos*.

1781. Request of Germ. Dep.: Elias Levin.

1792. Request of Port. Dep.: Abm B. de Mesquita.

NOTES.

ADDITIONS TO "CALENDAR OF AMERICAN JEWISH CASES."

(*Publications*, No. 12, p. 87 *et seq.*)

To p. 87: Justice Brewer has evolved from his opinion in the Holy Trinity Church case a slight volume, *The United States a Christian Nation*, Philadelphia, 1905. It was reviewed in *Jewish Comment*, November 3, 1905, by the writer.

See, too, *Zeisweiss v. James*, 63 Pennsylvania State, 465, 471 (1870), a decision by Judge George Sharswood.

To p. 89: In *Cohen v. Wagner* it seems that Cohen was present at the sale.

To p. 90: A case going further than *People v. Jackson* is *Moses Londoner v. Anthony Lichtenheim*, 11 Missouri Appeals, 385, 386 (1882). There it was held that a person's disbelief in a God or His existence does not render him incompetent as a witness.

To p. 91: *Levy v. Levy* reversed the decision of the Supreme Court, reported in 40 Barbour, 585 (1863). Virginia followed the ruling of the New York Court of Appeals; see *Commonwealth of Virginia v. Levy*, 23 Grattan, 21 (1873). And a further decision in this extended litigation is *Re Levy*, 1 Tucker, 148, 149, 150 (1868), a ruling of the Surrogate of New York County.

There was no decision in the case of Lloyd Street Congregation concerning which much may be learned in Dr. Ad. Guttmacher's recent history of the Madison Avenue Synagogue, Baltimore.

To p. 92: Mr. Max J. Kohler informs me the Rossman case involved a question of change of ritual. Ex-Judge Abram J. Dittenhoefer, in writing to me, calls it a disinterment case.

To p. 93: See, as to the Anonymous case, *The American Hebrew*, August 25, 1905, p. 354b.

To p. 95: The second appeal in *Riker v. Leo* is unofficially reported in 4 Silvernail. See, too, *Habershon v. Vardon*, 7 Eng. L. & Eq., 228; s. c., 4 De G. & Sen., 467; s. c., 15 Jur., 961 (1851), not listed in the English *Jewish Year-Book*, where a legacy by a Christian for bringing about the political restoration of the Jews to Jerusalem was held void as a charity.

To p. 97: Under *Re Graber*, see *Weinberg v. The State*, 25 Wisconsin, 370 (1870), where the accused's prior marriage by a Prussian rabbi, no prior civil marriage having been contracted, was by the *lex loci contractu* illegal, thus reversing his conviction for bigamy.

In *Joseph Sokel v. The People of the State of Illinois*, 212 Illinois, 238 (1904), the accused was found guilty of bigamy, his first marriage in Safed being proved by a Hebrew certificate, and the rabbinical divorce being invalid as one without jurisdiction.

Compare, with the Nebraska case, *Board of Education of Cincinnati v. Minor*, 23 Ohio State, 211 (1872); *Pfeiffer v. Board of Education*, 77 Northwestern (Michigan), 250 (1898).

To p. 99: New cases since the publication of this paper are *Curtis v. Lehman*, *Cohn v. Townsend*, and *Alsberg v. The Lucerne Hotel Co.*

Curtis v. Lehman was a Louisiana case (see paper by the present writer in *The New Era Illustrated Magazine*, for August, 1905, p. 173). It concerned the oath of a Jewish witness, and the appellate court said that a special oath is not obligatory where the more usual form is considered equally binding.

Cohn v. Townsend, 94 New York Supplement, 817 (1905), was a case where the Supreme Court dissolved an injunction against a teachers' examination held on a Saturday on the ground that the Board of Education was the sole judge of such matters, and was not prohibited from fixing an examination for the Jewish Sabbath. (See a note by the present writer, "A Recent Jewish Law Case" in *Jewish Comment*, September 1, 1905.)

Finally, *Tillie Alsberg v. The Lucerne Hotel Co.*, 46 Miscellaneous, 617 (1905), was a case where the Appellate Term of the New York Supreme Court decided that a Jewess could not recover the statutory penalty from the defendant for refusing her hotel accommodations on account of her faith. This was not a "hotel" within the statute.

A. M. F.

New York, November 10, 1905.

NECROLOGY.

HENRY H. HENDRICKS.

The death of Henry Harmon Hendricks on May 27, 1904, at the early age of forty-four years was an irreparable loss to the community in which he lived. He was born and always resided in New York City, and after the usual preparatory course, he entered the School of Mines of Columbia College and graduated from that venerable institution of learning in the class of 1880, with the degree of Ph. B. He then devoted some years to practical chemistry, and later entered the old family firm of Hendricks Brothers, in which he was an active partner at the time of his death.

In the midst of activities of the present day, there is but little time to note individual character or endeavor, and yet there is no life worthy of record which may not serve as an example or an inspiration. The subject of this sketch was the son of Joshua Hendricks and Emma Brandon and was descended from ancestors who were distinguished in the early history of New York. His father died in the year 1893, leaving three sons, all now dead, of whom Henry was the survivor; he was justly proud of his ancestry and was loyal to the family traditions, nor did he disregard the many burdens which rested upon him as the head of his generation in a family so honored and so conspicuous. He had his ideals and it was impossible for him not to be true to them. He was simple in his tastes, sincerity and truth marked his character, and he was never spoiled by the material advantages with which he had been surrounded from his early youth. He was refined and genial and was most happy in rendering some gracious or valuable service to a fellow-man. Not even

his intimate friends knew of his many unostentatious acts of kindness; his good deeds seemed a natural impulse, and he always sought to have others share in his happiness.

He had awakened to the needs of the Jews in this country and it was a grievous loss that he who was so well qualified and able to share in their battles should have been suddenly called away in the vigor of life, when his work seemed but beginning. At the time of his death he was a trustee of the Congregation Shearith Israel and had taken an active interest in many Jewish societies. He had long been connected with many organizations and social clubs in his native city, and there he was widely known and respected; he was a member of the New York Yacht Club; the Larchmont Yacht Club, the Engineers' Club, the Fulton Club, the Metal Exchange, the Chamber of Commerce, the American Association for the Advancement of Science, the National Arts Club, and of the Alumni Association of Columbia University.

His family was so closely linked with the history of the Jews in America that he took a keen interest in the proceedings of this Society. His great-great-grandfather Uriah Hendricks was the son of Aaron Hendricks, who came from Holland among the early settlers. Uriah was one of the signers of the loyalist address to Admiral Howe in 1776; as early as 1764, he established the metal business, which is still conducted by his direct descendants. The grave of Uriah Hendricks still remains in the historic cemetery in Oliver Street, which dates from 1656, and is the oldest Jewish burial place in the United States.

His great-grandfather, Harmon Hendricks, was a prominent merchant in the early days of the last century and his name appears in the first directory of New York City, published in 1786; he was a subscriber for a substantial amount of Government bonds to aid in the War of 1812.

The first copper rolling-mill in this country was built by Harmon Hendricks at Soho, New Jersey, in 1812, and that mill is still operated by the present firm. With a record of

continued and remarkable success, Hendricks Bros. is said to be the second oldest firm in this country; and it is worthy of note that for more than a century it has been conducted solely by the descendants of the founder with a name that has ever been a synonym in the commercial world for integrity and fair dealing.

There is no one to take the place of him who has been taken from the field of a great and wide usefulness; he was faithful to every tie whether of duty or of friendship; such characters live not in vain, and his family and those who were privileged to be called his friends may hope for inspiration from his life, but will never fill the vacancy his loss has left. He is survived by his widow, Myrtilla Florence, and four children.

EDGAR J. NATHAN.

FREDERIC DAVID MOCATTA.

Jewish learning has lost a unique figure in Frederic David Mocatta. He touched Jewish life in almost all its phases. He was for many years a representative figure in Anglo-Jewry, leading not alone in charitable and what may be called political circles—for Israel has its politics—but also in Jewish society. In other words, if there were an eminent Jew or Christian to be entertained in London for whatever reason, Frederic Mocatta would be among the first to be called upon to entertain. Similarly, when abroad he was the guest of Jewish notables and of others interested in Jewish matters throughout Europe, and sometimes beyond the European sphere. He fulfilled the post on many occasions of quasi-ambassador, and when the history of many Jewish movements of international consequence becomes known, Frederic Mocatta's name will not be the least often occurring in the negotiations.

Not that he was a leader in the more restricted sense of the

word. Except in his chosen sphere of activity—that charitable work which he made literally his business—he did not strike out new lines, indeed he had rather an aversion to novelty either in thought or action. He was especially conservative in religious feeling, and it was the irony of fate that placed him at the head of a so-called reform congregation. In religion as in all things he was content to stand by the wisdom of the Fathers. Mocatta was essentially an aristocrat, conservative, full of the feeling for history.

It was here that his activity touched that of the Jewish Historical Society of America. He was interested in all the past, and essentially in the Jewish past. A descendant of one of the "best" Sephardic families in every sense of the word, his interest was naturally centered around the history of the Spanish Jews. His only published work was appropriately enough a careful study of the relation of the Spanish Jews to the Inquisition, which, though without much original research, summed up clearly the historic knowledge accessible on the subject at the time he wrote. It was in connection with this that he sent the present writer on a scientific mission to Spain in 1888, the results of which were published some years later. But while centered in the Spanish Jews his interest was world-wide, and he at a much earlier stage helped Zunz by sympathy and subvention in his epoch-making researches into the Jewish hymnology of the Middle Ages. Dr. Berliner's "History of the Jews in Rome" is dedicated to him in recognition of similar assistance, and there are doubtless other works of Jewish erudition which owe their existence at least partly to Frederic Mocatta.

One important historic work he took upon himself to make accessible to the English-speaking Jews of the world. But for him the standard history of the Jews—Grätz's—would in all probability never have reached a complete English translation. He planned out the contracted form by which the eleven volumes of the original could be reduced to five in the English

form, and he obtained the very best help in getting the translation revised and edited.

It was probably in connection with the Anglo-Jewish Historical Exhibition of 1887 and the Jewish Historical Society of England which grew out of it that Mocatta's name will be chiefly remembered among historical students. Though Isidore Spielmann had the honor of suggesting the idea of the Exhibition, it was its president, Mocatta, who gave it *éclat* and distinction. It was, if I remember right, his suggestion that brought the historian Grätz over to deliver an inaugural lecture, and it was under his auspices that the publications of the Exhibition were published. When the Jewish Historical Society of England was founded he gracefully waived his claims to the presidency to two of the more prosaic workers in the field, but his right to the presidential chair was early recognized, and he lived to preside over the proceedings of the society with that combined grace and dignity of which he was one of the few exponents. If we cannot altogether say he was a prince, he certainly was a noble in Israel, and in all things acted up to the principle, *noblesse oblige*.

JOSEPH JACOBS.

MYER S. ISAACS.

Myer S. Isaacs, a member of this Society, who died in New York City May 24, 1904, was born in that city May 8, 1841. He was the eldest son of Rev. Samuel M. Isaacs, who arrived in the metropolis to take pastoral charge of the Elm Street Synagogue (Bnai Jeshurun) in 1839. He was of Dutch and English ancestry. He was educated in William Forrest's Collegiate School, whence he entered the New York University in 1855, and he was graduated from the university in 1859, standing at the head of his class throughout his college career.

In 1861 he received his diploma as a law student and was admitted to the bar in 1862. From that year and until his

death he was a busy practitioner, especially prominent for his familiarity with real estate law, and was the senior member of the firm with which his friend Adolph L. Sanger was associated until his death in 1894. With his brother, he formed the firm of M. S. & I. S. Isaacs in 1874, and was engaged in the activities of that firm up to the day of his death.

He was one of the lecturers in the Law Department of the New York University for ten years (1887 to 1897), and was one of the committee of counsel that passed upon intricate questions of real estate law for the Lawyers' Title Insurance Company since its organization in 1887. He was for over thirty years a member of the New York Bar Association, was a member of its executive committee; a director and vice-president of the New York Real Estate Exchange (1886 to 1890), and prominent in the Republican and City Clubs. For several years he was a leading member of the Municipal Society that did so much to improve local affairs after the days of the Tweed ring. He was one of the Committee of Fifty-three that proposed reform legislation in New York in 1884, and took part in the committee that was appointed to open small parks during Mayor Strong's administration, and co-operated in many social movements for the improvement of the city.

He was appointed Judge of the Marine (now the City) Court in 1880, and was the Republican candidate for election as Judge of the Superior Court in 1890, and of the Supreme Court of 1895. For many years he was active in securing good legislation at Albany, and in his capacity as counsel for the Lawyers' Title Insurance Company he aided in defeating many bills that would have hindered the cause of legal progress, and was largely instrumental in placing upon the statute books several laws that the profession has found beneficial.

As a member of the Jewish community, he was always conservative and thoughtful of the rights of all with whom he came in contact, but opposed to sudden and radical reforms.

In his literary and social connection—and especially in the columns of the *Jewish Messenger*, with which weekly he was

closely identified as editor with his father and brothers successively from 1857 until 1878, and a contributor until 1902, he strove to Americanize his immigrant brethren and to make them equal in culture to citizens of other faiths.

As secretary (1869 to 1876), and president (1876 to 1880) of the Board of Delegates of American Israelites, he was prompt to press the claims of the Jew for equal social and religious rights throughout the world. The State Department files at Washington will show how often he and his associates interposed to prevent wrongdoing. His first bold expression of opinion was in decrying against Gen. Benjamin F. Butler's censure of the Jews in 1861, for which the General handsomely apologized in a printed communication that had wide publicity at the time. His last public work in defending his persecuted brethren was in 1903, when he co-operated with several prominent friends and co-religionists in having a public meeting at Carnegie Hall to protest against the Russian massacres and in counselling the preparation of the protest to our Government that resulted in the President's manly despatch to Russia.

In New York Jewish affairs he was prominent from his early manhood. In 1857 he became secretary of his father's congregation and so remained until his marriage, in 1869. In 1868 he joined with his father and others in forming the Hebrew Free School Association as a protest against the machinations of the missionaries; was its secretary in 1864, its president from 1880 until 1892. In 1873 it was on his motion that the movement to unite relief societies was initiated, and the plan of Federation of the United Hebrew Charities was prepared by him. In 1882, when the Russian persecutions became intense he was one of the New York committee to aid the refugees, and he remained in the temporary organization until 1891, when the Baron de Hirsch Fund was formed. He became its president and was its devoted head until his death. In this responsible position, aided by the energies of the other members, he was indefati-

gable in providing for the material and moral needs of the immigrant; always hopeful that the best results would follow, never dismayed by the mistakes that were inevitable, and his last week in life was made happy by his visit to the Woodbine Settlement, where he found so much to encourage him and his colleagues. The history of the Fund, when written, will demonstrate the energy, enthusiasm, and patriotism he gave to its management.

With representatives of other organizations, he was one of the committee that established the Educational Alliance, into which the Hebrew Free School Association had been merged, and this grand institution, leading in New York City as an instrument of permanent usefulness, is a monument to his far-seeing wisdom.

With a few young men imbued, as was he, with the desire to celebrate the Purim festival in a refined way that should fittingly represent the social side of New York Judaism, he founded the Purim Association in 1861, that for forty years was so popular and useful, and not only enabled the citizens to have a yearly entertainment that was a protest against extravagance and impropriety in public amusements, but by means of its charitable appeals was a great benefactor to many deserving causes.

He was among the founders of the Hebrew Technical Institute and the Montefiore Home for Chronic Invalids, and it may well be said that few movements in the past forty years took place in the Jewish community in which he did not take an active part.

The pious and peaceful career of the father was reflected in the useful and manly life of the son.

His wife preceded him to the eternal home in 1889, leaving six children to emulate their parents' virtues.

I. S. ISAACS.

REV. DR. LIPPMAN MAYER.

One of the notable figures in the history of the Jewish Reform movement in the United States who passed to eternal life on Tuesday, August 30, 1904, was the Rev. Dr. Lippman Mayer, Rabbi-emeritus of Congregation Rodeph Shalom, Pittsburgh, Pa. He was born at Müllheim, Baden, on August 4, 1841. His early education was received in his native city and his collegiate course was taken at Carlsruhe. He entered the University of Würzburg, where he finally received the degrees of A. M. and Ph. D., taking his rabbinical course simultaneously in the Yeshibha of Rabbi Bamberger. . . . Later he studied for a time at the University of Berlin, where he also received the degree of Ph. D. He then returned to Carlsruhe where he became teacher for one year in the Seminary of Dr. Plato and continued his rabbinical studies under Drs. Geismar, Schott, and Fuerst. For one year he was Rabbi in Switzerland, but dissatisfied with conditions in Europe, he determined to leave for America. Shortly after arriving in this country he became rabbi, for a brief period, of the French Congregation in New York. In 1869 he was elected rabbi of the Jewish Congregation in Selma, Ala., and in 1870 he left that congregation, accepting a call to Rodeph Shalom, Pittsburgh, Pa., with which he was connected till the time of his death.

From the beginning of his active and devoted services he labored diligently and earnestly for the introduction of those reforms of customs and ritual, identified with the reform movement. Though his efforts met with a determined opposition he courageously advocated the changes he felt were needed owing to changed conditions, and his decision of character and earnestness of purpose overcame every obstacle. One of the most far-reaching of his early innovations was the introduction of the Einhorn Ritual, which still remains the official prayer-book of his congregation. In 1869 he was secretary of the Philadelphia Conference. Through his in-

fluence Rodeph Shalom was the first "Eastern" congregation to join the Hebrew Union College, and the famous and important Pittsburg Conference met in Pittsburg in 1885, at the invitation of Dr. Mayer's congregation, issued at the instance of its rabbi. He was an important factor both in framing, and in securing the passage of, the platform adopted at this Conference.

His activities were not restricted to the upbuilding of Rodeph Shalom which, under his ministrations, greatly flourished and prospered. He participated in many national Jewish movements, assisted in the dedication of temples in Chicago, Philadelphia, New York, and other cities, became a promoter of goodwill among his fellow-citizens of every creed, and was a most efficient worker in the cause of active benevolence. In Pittsburg he was a founder and director for many years of the well-known Leseverein and was associated with every German-American movement. As early as 1872, when such invitations were very rarely extended to rabbis, he preached in the Smithfield Street German Church by invitation of Pastor Weitershausen. He assisted in the dedication of a number of German churches in Allegheny County, and by his friendly advice, his generous help, and willing assistance to every public cause, he did much to spread throughout the general community a better knowledge of Jews and Judaism. He was Chaplain of the Western Penitentiary 1873-1883, Chaplain of Jefferson Lodge, F. & A. M., a Trustee of the Western University of Pennsylvania, for which he was instrumental in obtaining the Reineman Maternity Hospital and the Kaufmann Clinic. On several occasions he was selected as orator, notably at the dedication of the new County Court House, and the Centenary of the Smithfield Street Lutheran Church. He founded the first public kindergarten in Allegheny County and was, for years, a director of the German Home for the Aged.

In Jewish circles he was identified not only with the religious work of the congregation, but he was also one of the

moving spirits in all that composed the varied activities of the community. In 1880 he founded a branch of the Y. M. H. A., and in 1882 he founded a school for Russian immigrants. He was a trustee of the Gusky Orphanage and vice-president of the United Hebrew Charities.

During his entire life he had been blessed with great mental and physical vigor, but insidious sickness brought his earthly career to a sudden close, to the great sorrow of his mourning family, congregation, and friends.

REV. DR. J. LEONARD LEVY.

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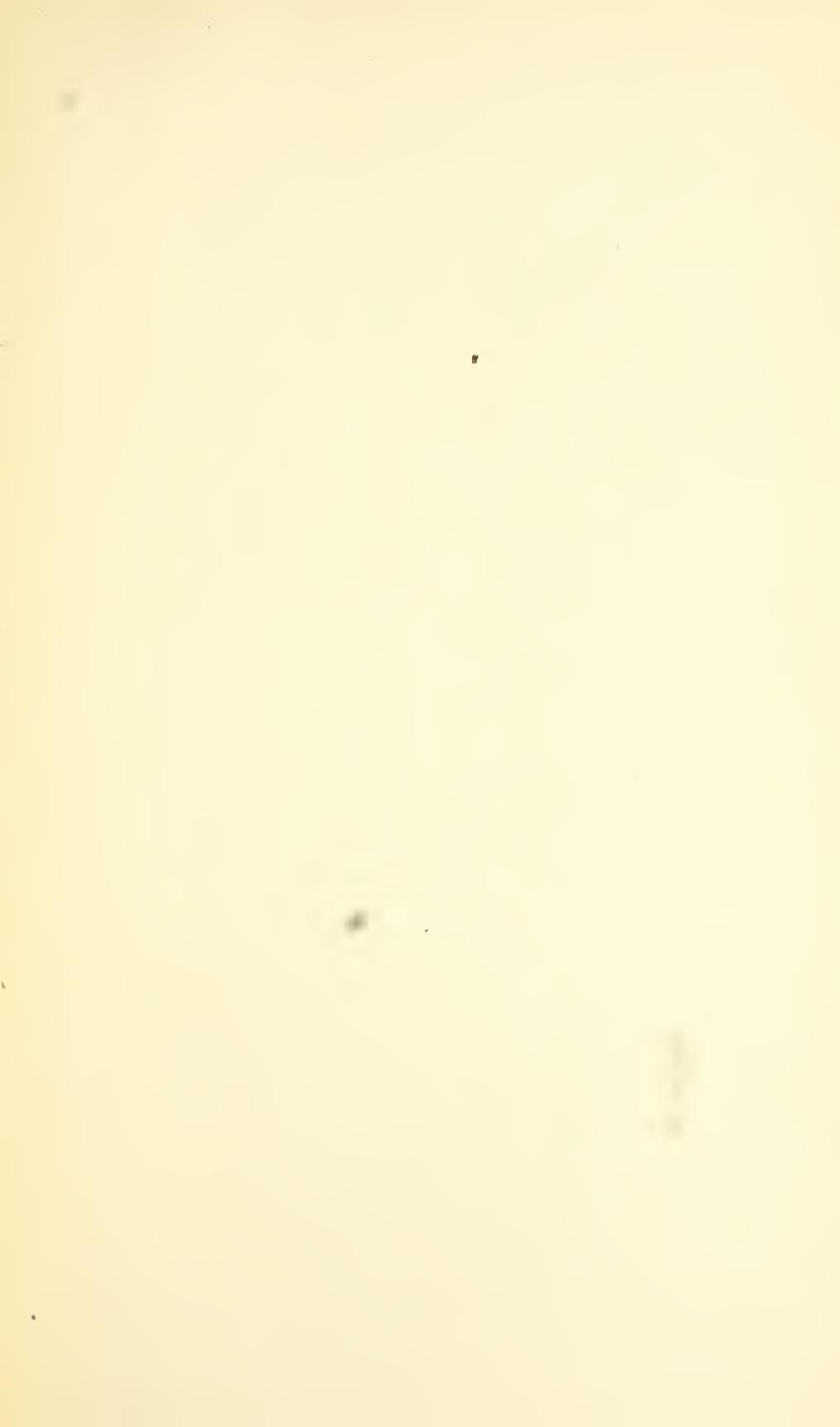
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